

## **Article 3 - Zoning Districts and Map**

**Draft – August 8, 2005**

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## **Article 3 - Zoning Districts and Map**

### **3-1 Zoning Districts Established**

#### **3-1.1 Base Districts**

For the purpose of this Ordinance, the incorporated area of Warrenton, Virginia, is divided into the following base zoning districts. It is not required that every district be shown on the Zoning Map at any given time. Districts will be shown on the Zoning Map in accord with map amendments adopted by the Town Council.

R-15	Residential District
R-10	Residential District
R-6	Residential District
RT	Residential Townhouse District
RMF	Residential Multifamily District
R-40	Residential District
R-E	Residential District
RO	Residential Office District
PSP	Public-Semi-Public Institutional District
<u>C</u>	<u>Commercial District</u>
CBD	Central Business District
<u>LI</u>	<u>Limited Industrial District</u>

#### **3-1.2 Overlay Districts**

The following overlay zoning districts are established:

FPD	Flood Plain District
PUD	Planned Unit Development
HD	Historic District
<u>HCD</u>	<u>Historic Corridor District</u>
<u>RID</u>	<u>Residential Infill District</u>

**3-2 Zoning Map [formerly 6.2]**

The boundaries of the districts listed in Section 3-1 shall be as delineated upon the map entitled, "Zoning Map: Town of Warrenton, Virginia" which is a part of this Ordinance. The map and all notations, references, and other data shown thereon shall be made part of this Ordinance, as if the matters and data shown by the map were fully described herein.

**3-3 Zoning District Boundaries [formerly 6.3]**

The boundaries between districts are, unless otherwise indicated, either the center line of streets, lanes, alleys, or railroads; shorelines of streams, watercourses, reservoirs, or other bodies of water; property lines; and the center line of right-of-ways of power lines and other public utilities.

Where uncertainty exists as to the location of any district boundaries as shown on the Zoning Map, the following rules shall apply:

- 3-3.1 Where a district boundary is indicated as approximately following the center line of a lake or watercourse, or the right-of-way of a street, lane, power line or other public utility, the center line or right-of-way boundary shall be construed to be the district boundary.
- 3-3.2 Where a district boundary is indicated as approximately following a lot line or other property line, such lot line or property line shall be considered the district boundary.
- 3-3.3 Where a district boundary divides a lot or runs through individual property, the location of such boundary, unless otherwise specified by figures on the Zoning Map, shall be determined by the use of the scale appearing on the Zoning Map.
- 3-3.4 Where figures are shown on the Zoning Map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless specified. In the event scale distances do not agree with such figures, the figures shall control.

**3-4 Requirements for Base Zoning Districts****3-4.1 R-15 Residential District****3-4.1.1 Legislative Intent**

This district is composed of low density, single-family dwellings and other uses which are customarily incidental to them. This district is designed to implement the Town's Comprehensive Plan and stabilize and protect the essential low-density residential characteristics of the district, by encouraging a suitable environment for family life and by prohibiting all activities of a commercial nature except home occupations.

To these ends, development is limited to relatively low densities and permitted uses are limited to single-family dwellings, plus certain compatible uses by special use permit. In

order to provide flexibility in adapting new development to the natural constraints of a site, provisions are allowed for residential units to be clustered in return for the preservation of additional open space on the site.

#### **3-4.1.2 Permitted Uses (by-right)**

- Single-family detached dwelling units.
- Accessory buildings.
- Home occupations.
- Yard sale or garage sale
- Public utilities and their facilities, including poles, wires, transformers, underground pipelines or conduits but not those facilities listed as requiring a special use permit.
- Group Homes of eight (8) residents or less
- Signs subject to Article 6.
- Off-street parking for permitted uses subject to Article 7.
- Open space subject to Article 9.

#### **3-4.1.3 Permissible Uses** (by special use permit approved by the Town Council, in accord with Article 11)

- Accessory dwelling units *[moved]*
- Active and passive recreation and recreational facilities.
- Bed and breakfast facility, or tourist home.
- Churches
- Cluster Development - see Section 9-6 (~~Amended by Council 10-11-88~~).
- Community buildings.
- Day care center.
- Family care homes or foster homes.
- Golf courses, swim, and tennis clubs.
- Group Homes of more than eight (8) residents
- Inn.
- Libraries.
- Home business
- Hospitals and clinics.
- Nursing or convalescent homes.
- Parks and playgrounds.
- Schools.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings.

**3-4.1.4 Lot and Yard Regulations**

Use	Minimum	Minimum	Maximum	Minimum Setbacks		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Lot Coverage (impervious surfaces)	Front	Side	Rear
Single-Family Dwelling	15,000	90 ft.	<del>None</del> 65%	25 ft.	12 ft.	35 ft.
Cluster Development	7,500	65 ft.	65%	25 ft.	10 ft.	25 ft.
Other Permitted Uses	15,000	90 ft.	65%	25 ft.	15 ft.	35 ft.

**3-4.1.5 Building Regulations****3-4.1.5.1 Building Height**

Use	Maximum Height
Single-Family Dwellings	35 ft.*
Cluster Development	35 ft.*
Other Permitted Uses	35 ft.**

\* The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one (1) foot for each additional foot of building height over thirty-five (35) feet. This may be achieved in part by setting back the second and/or third stories of the building a greater amount than the first story.

\*\*A public or ~~semi-public~~ institutional building ~~such as a school or church or library~~ may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

**3-4.1.5.2 Garages**

Front-loaded garages shall be setback at least 15 feet behind the front building line of the primary structure. Side-loaded garages shall be no nearer the front lot line than the front edge of the primary structure. Rear-loaded garages (accessed from an alley or other street) shall be set back at least fifteen (15) feet from the rear lot line.

**3-4.2 R-10 Residential District****3-4.2.1 Legislative Intent**

This district is composed of certain low concentrations of residential uses, plus certain open areas where similar development would be consistent with the provisions of the Town's Comprehensive Plan. The regulations for this district are designed to stabilize and protect the essential characteristics of the district and to promote and encourage suitable environment for single-family residential units and to prohibit all activities of a commercial nature, except neighborhood professional businesses. To these ends, development is limited to low density single-unit dwellings, plus certain compatible uses by special use permit. In order to increase the supply of ~~less expensive~~ affordable housing and to recognize the changes in demography of a neighborhood while continuing to maintain the character of the district, accessory dwelling units are permitted by special use permit ~~exception approved by the Board of Zoning Appeals~~. (Amended 2/13/01)

An alternative to the precise requirements of this district may be employed, known as cluster ~~alternate~~ development. The purpose of cluster development is to provide a more creative and flexible approach to the use of the land, to provide for the more efficient and economical provision of streets and utilities and to create a pedestrian-oriented, human scale streetscape.

**3-4.2.2 Permitted Uses (by-right)**

- Single-family detached dwelling units.
- Accessory buildings.
- Home occupations.
- Yard sale or garage sale
- Signs subject to Article 6.
- Off-street parking for permitted uses subject to Article 7.
- Open space subject to Article 9.
- Public utilities including poles, wires, transformers, underground pipelines or conduits but not those facilities listed as requiring a special use permit.
- Group Homes of eight (8) residents or less

**3-4.2.3 Permissible Uses** (by special use permit approved by the Town Council, in accord with Article 11)

- Accessory dwelling units
- Active and passive recreation and recreational facilities.
- Assisted living facilities. (~~Amended by Council 7-9-96~~)
- Cemeteries
- Cluster Development (See Section 9-6) (~~Amended by Council 10-11-88~~)
- Child care center, day care center, or nursery school
- Churches
- Community buildings
- Family care homes or foster homes
- Golf courses, swim, and tennis clubs
- Group Homes of more than eight (8) residents
- Home business
- Hospitals and clinics.
- Inn, bed and breakfast facility, or tourist home
- Libraries
- Neighborhood professional business (~~Adopted 2/13/01~~)
- Nursing or convalescent homes
- Parks and playgrounds
- Schools
- Traditional Neighborhood Developments
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regular stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings

**3-4.2.4 Lot and Yard Regulations**

Use	Minimum	Minimum	Maximum	Setbacks			
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Lot Coverage (impervious surfaces)	Minimum Front	<u>Maximum Front</u>	Min. Side	Min. Rear
Single-Family Dwelling	10,000	75 ft.	<del>None</del> 65%	25 ft.	<u>30 ft.</u>	10 ft.	20 ft.
Cluster Development	6,000	55 ft.	65%	25 ft.	<u>30 ft.</u>	8 ft.	15 ft.
Other Permitted Uses	10,000	75 ft.	65%	25 ft.	<u>30 ft.</u>	15 ft.	20 ft.

### 3-4.2.5 Building Regulations

#### 3-4.2.5.1 Building Height

Use	Maximum Height
Single-Family Dwellings	35 ft.*
Cluster Development	35 ft.*
Other Permitted Uses	35 ft.**

\* The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one (1) foot for each additional foot of building height over thirty-five (35) feet. This may be achieved in part by setting back the second and/or third stories of the building a greater amount than the first story.

\*\*A public or ~~semi-public~~ institutional building ~~such as a school or church or library~~ may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

#### 3-4.2.5.2 Garages

Front-loaded garages shall be setback at least 15 feet behind the front building line of the primary structure.

Side-loaded garages shall be no nearer the front lot line than the front edge of the primary structure.

Rear-loaded garages (accessed from an alley or other street) shall be set back at least fifteen (15) feet from the rear lot line.

#### 3-4.2.5.3 Open Space Requirements

Every site that is rezoned to R-10 or subject to subdivision or site plan approval consisting of a total of twelve (12) or more residential units shall have at least one green to serve as open space for and the focal point and organizing visual element of the neighborhood or subdivision. Greens in cluster subdivisions shall be not less than 6,000 square feet each and in conventional subdivisions shall be not less than 10,000 square feet each. An average of one green for each 10 acres of gross site area within the subdivision shall be provided.



**3-4.3 R-6 Residential District****3-4.3.1 Legislative Intent**

This district is composed of medium to high concentrations of predominantly residential uses, generally intended to encompass and preserve those residential structures which have developed over the years along the traffic arteries serving the Central Business District. The regulations of this district are designed to stabilize and protect these areas while at the same time allowing compatible changes to occur in an effort to ensure that the use of these areas is economically feasible and to implement the Comprehensive Plan.

~~An alternative to the precise requirements of this district may be employed, known as the cluster alternate. The purpose of the cluster alternate is to provide a more creative and flexible approach to the use of land and to provide for the more efficient and economical provision of streets and utilities.~~

**3-4.3.2 Permitted Uses (by-right)**

- Accessory buildings
- Churches
- Community buildings
- Group Homes of eight (8) residents or less
- Home occupations. *[redefined]*
- Off-street parking for permitted uses subject to Article 7
- Open space subject to Article 9.
- Signs subject to Article 6
- Single-family detached dwelling units
- Utilities related to and necessary for services within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit

**3-4.3.3 Permissible Uses (by special use permit upon approval of Town Council)**

- Active and passive recreation and recreational facilities.
- Bed and breakfast.
- Child care center, day care center or nursery school.
- Clubs
- Dwellings in an accessory building.
- Dwelling units, Two-family
- Dwellings, three or four family structures *[retained from original ordinance]*
- Family care homes or foster homes
- Hospitals and clinics.
- Libraries.
- Nursing Homes

- Offices, business and professional.
- Parks and playgrounds.
- Schools.
- Swim and tennis clubs.
- Tea rooms.
- Traditional Neighborhood Developments
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regular stations, communications towers, storage yards and substations, and cable television facilities and accessory structures.

### 3-4.3.4 Lot and Yard Regulations

Use	Minimum	Minimum	Maximum	Setbacks			
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Lot Coverage (impervious surfaces)	Minimum Front	Maximum <u>Front</u>	Side	Rear
Single-Family Dwelling	6,000	55 ft.	<del>65% none</del>	20 ft.	<u>30 ft.</u>	8 ft.	20 ft.
Two-Family Dwelling	9,000	65 ft.	<u>75%</u> <del>80%</del>	20 ft.	<u>30 ft.</u>	15 ft.	20 ft.
Three-Family Dwelling	12,000	75 <del>80</del> ft.	80%	20 ft.	<u>30 ft.</u>	15 ft.	20 ft.
Four-Family Dwelling	15,000	85 <del>90</del> ft.	80%	20 ft.	<u>30 ft.</u>	15 ft.	20 ft.
Other Permitted Uses	6,000	55 ft.	65%	20 ft.	<u>30 ft.</u>	15 ft.	20 ft.

### 3-4.3.5 Building Regulations

#### 3-4.3.5.1 Building Height

Use	Maximum Height
Single-Family Dwellings	35 ft.*
Other Permitted Uses	35 ft.**

\* The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one (1) foot for each additional foot of building height over thirty-five (35) feet. This may be achieved in part by setting back the second and/or third stories of the building a greater amount than the first story.

\*\*A public or semi-public institutional building ~~such as a school or church or library~~ may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

**3-4.3.5.2 Garages**

Front-loaded garages shall be setback at least fifteen (15) feet behind the front building line of the primary structure.

Side-loaded garages shall be no nearer the front lot line than the front edge of the primary structure.

Rear-loaded garages (accessed from an alley or other street) shall be set back at least fifteen (15) feet from the rear lot line.

**3-4.3.5.3 Open Space Requirements**

Every site that is rezoned to R-6 or subject to subdivision or site plan approval consisting of a total of twelve (12) or more residential units shall have at least one green to serve as open space for and the focal point and organizing visual element of the neighborhood or subdivision.

Greens shall be not less than 6,000 square feet each. An average of one green for each 10 acres of gross site area within the subdivision shall be provided.

**3-4.4 RT Residential Townhouse District****3-4.4.1 Legislative Intent**

This district is composed of certain medium concentrations of residential use, often located between lower density residential and commercial areas, plus certain open areas where similar development is appropriate based on the Comprehensive Plan. The regulations for this district are designed to stabilize and protect the residential character of the district, and to promote and encourage a suitable environment of medium to high density residential uses, while achieving a pedestrian-oriented streetscape.

~~An alternative to the precise requirements of this district may be employed, known as the cluster alternate. The purpose of the cluster alternate is to provide a more creative and flexible approach to the use of land and to provide for the more efficient and economical provision of streets and utilities.~~

~~A density bonus system is offered in order to provide an incentive for improved design and provision of amenities. Whether or not the bonus is applied the basic principle of the cluster alternate is to permit a relative concentration of development on that portion of a tract best suited for development and to retain the remainder of the tract in permanent open space.~~

**3-4.4.2 Permitted Uses (by-right)**

- Accessory buildings.
- Dwellings, Single-family detached
- Dwellings, Two-family
- Dwellings, Townhouses
- Home occupations
- Off-street parking for permitted uses subject to Article 7.
- Open space subject to Article 9.
- Playgrounds and recreation area, when developed as part of the townhouse development.
- Signs subject to Article 6.
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit.
- Yard sale or garage sale

**3-4.4.3 Permissible Uses (by special use permit upon approval of the Town Council)**

- Active and passive recreation and recreational facilities.
- Child care center, day care center, or nursery school
- Churches
- Community buildings
- Family care homes, foster homes, or group homes serving physically handicapped, mentally ill, mentally retarded, or other developmentally disabled persons
- Golf courses, swim, and tennis clubs
- Clinics
- Home business
- Libraries
- Nursing or convalescent homes
- Offices, professional and business if immediately adjacent to a commercial zoning district
- Schools
- Traditional Neighborhood Developments
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, and cable television facilities and accessory buildings

**3-4.4.4 Lot and Yard Regulations**

Use	Maximum Density (dwellings per gross acre)	Minimum Lot Size (sq. ft.)	Minimum Lot Frontage (at front setback)	Maximum Lot Coverage (impervious surfaces)	Minimum Setbacks		
					Front	Side	Rear
Single-Family Dwelling	4.3	10,000	75 ft.	65% <del>none</del>	25 ft.	10 ft.	20 ft.
Two-Family dwelling	7.0	12,000	70 ft.	50%	25 ft.	15 ft.	25 ft.
Townhouse	7.0	2,000 per unit	20 ft. interior unit 30 ft. end unit	50%	25 ft.	20 ft.	25 ft.
Other Permitted Uses	n/a	10,000	none	80%	25 ft..	15 ft.	20 ft.

*[Note: The above table is simplified by deleting triplex, quadriplex and cluster dwelling types]*

**3-4.4.5 Building Regulations****3-4.4.5.1 Building Height**

Use	Maximum Height
Single-Family Dwellings	35 ft.*
Other Permitted Uses	35 ft.**

\* The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one (1) foot for each additional foot of building height over thirty-five (35) feet. This may be achieved in part by setting back the second and/or third stories of the building a greater amount than the first story.

\*\*A public or ~~semi-public~~ institutional building ~~such as a school or church or library~~ may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

**3-4.4.5.2 Garages****3-4.4.5.2.1 Single Family Dwellings**

Front-loaded garages shall be setback at least 15 feet behind the front building line of the primary structure.

Side-loaded garages shall be no nearer the front lot line than the front edge of the primary structure.

Rear-loaded garages (accessed from an alley or other street) shall be set back at least fifteen (15) feet from the rear lot line.

#### 3-4.4.5.2.2 Townhouses

Front-loaded and side-loaded garages shall no nearer the front lot line than the front edge of the primary structure.

Rear-loaded garages (accessed from an alley or other street) shall be set back at least fifteen (15) feet from the rear lot line.

#### **3-4.4.5.3 Maximum Grouping of Townhouses**

No more than six (6) townhouse units shall be grouped contiguous to each other.

Groups of townhouses shall be separated by at least (twenty) 20 feet of open space unless rear vehicle access is provided to the units, in which case minimum separation shall be (ten) 10 feet.

#### **3-4.4.6 Open Space Requirements**

Any rezoning or subdivision or site plan approval within the district consisting of a total of twelve (12) or more residential units shall provide one or more common open space greens of at least five thousand (5,000) square feet each and totaling at least four hundred (400) square feet per unit. Such greens shall be located so as to provide a focal point for the units, with the units fronting the green (s) or fronting streets that border the green(s).

### **3-4.5 RMF Residential Multifamily District**

#### **3-4.5.1 Legislative Intent**

This district is composed of certain higher concentrations of residential uses recommended for those sections of town which are in proximity to the central business district; which are adjacent to existing intensive land uses; which can be used as a transitional area between commercial and lower density residential areas; or which are in need of revitalization. The regulations for this district are designed to stabilize and protect the residential character of the district, to promote and encourage a suitable environment for multiple-family residential units, to implement the Comprehensive Plan, and to encourage streetscape environments that are safe and efficient for pedestrians.

**3-4.5.2 Permitted Uses (by-right)**

- Accessory buildings.
- Dwellings for the elderly and handicapped.
- Multi-family dwellings at a maximum ten (10) units per gross acre.
- Playgrounds and recreation areas, when developed as part of the apartment development.
- Home Occupation
- Yard sale or garage sale
- Off-street parking for permitted uses subject to Article 7.
- Open space subject to Article 9.
- Signs subject to Article 6.
- Single-family dwellings
- Townhouses, duplex units, triplexes, and quadriplexes
- Two-family dwellings
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit.

**3-4.5.3 Permissible Uses (by special use permit upon approval of Town Council)**

- Active and passive recreation and recreational facilities
- ~~Density Bonus~~ for Affordable Dwelling Units (ADU) yielding total densities of up to twelve dwelling units per gross acre or twenty (20) dwelling units per net acre through a density bonus in accord with Section 3-4.5.5.
- Business and professional offices generally if immediately adjacent to a commercial zone
- Churches
- Clinics
- Community buildings
- Family care homes, foster homes, or group homes serving physically handicapped, mentally ill, mentally retarded, or other developmentally disabled persons
- Golf courses, swim, and tennis clubs
- Health and Fitness Facilities
- Home business
- Libraries
- Live-work Units
- Nursing or convalescent homes
- Parking garages
- Public use sites with a density bonus in accord with Section 3-4.5.7.
- Schools

- Traditional Neighborhood Developments (TND) yielding total densities of up to twelve dwelling units per gross acre or twenty (20) dwelling units per net acre through a density bonus in accord with Section 3-4.5.6.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings

### 3-4.5.4 Lot and Yard Regulations

Use	Maximum Density (dwellings per gross acre)	Minimum Lot Size (sq. ft.)	Minimum Lot Frontage (at front setback)	Maximum Lot Coverage (impervious surfaces)	Minimum Setbacks		
					Front	Side	Rear
Single-Family Dwelling	7.3	6,000	55 ft.	65%	25 ft.	8 ft.	15 ft.
Two-Family dwelling	7.0	12,000	70 ft.	50%	25 ft.	15 ft.	25 ft.
Three-Family and Four-Family Townhouses <u>and Live-Work Units</u>	7.0	6,000 per unit	70 ft.	50%	25 ft.	15 ft.	25 ft.
Triplex	7.0	2,000 per unit	20 ft. interior unit 30 ft. end unit	50%	25 ft.	20 ft.	25 ft.
Quadriplex	7.0	2,000 per unit	20 interior unit 30 end unit	50%	25 ft.	20 ft.	25 ft.
Apartments, Generally	10.0	10,000	150 ft.	50%	25 ft.	50 ft.	50 ft.
Apartments, with Density Bonus	12 <del>15</del> (20 net)	10,000	150 ft.	50%	25 ft.	50 ft.	50 ft.
<del>Apartments, ADU</del>	<del>20</del>	<del>n/a</del>	<del>80</del>	<del>70%</del>			
Apartments, Elderly or handicapped	12 <del>50</del>	6,000 sq. ft. for first unit, plus 3,000 sq. ft. for second unit, plus 1000 sq. ft. per 3rd-8th units, plus 500 sq. ft. per 9 <sup>th</sup> - 20th units	150 ft.	85%	25 ft.	50 ft.	50 ft.
Other Permitted Uses	n/a	10,000	none	80%	25 ft.	15 ft.	<u>25 ft.</u>

[Note: The above table is simplified by various dwelling type bonuses – see original Ordinance Section 11-4]

### ~~11-8—Density Bonus for Apartment Projects.~~ [text for this provision also deleted]



**3-4.5.5 Density Bonus for Affordable Dwelling Units**

- 3-4.5.5.1. A density bonus is offered to encourage private sector development of Affordable Dwelling Units (ADUs), in accord with the provisions of Article 9, Section 9-3.
- 3-4.5.5.2. The density bonus provisions provided in Sections 3-4.5.3 and 3-4.5.4 shall be permitted in conjunction with the provision of ADUs. The maximum density shall not exceed twenty (20) dwelling units per net acre for any project site.
- 3-4.5.5.3. Density bonuses may result in a total gross density not to exceed twenty (20) units per net acre. In no case shall the use of one or more density bonus provisions result in any densities exceeding twenty (20) units per net acre

**3-4.5.6 Density Bonus for Traditional Neighborhood Developments**

- 3-4.5.6.1. A density bonus is offered, in accord with the provisions of Article 9, Section 9-20, and Section 3-5.2.10, to encourage private sector provision of new development that is consistent with the features and functions of the traditional design and development patterns that have created the human scale and historic character of Warrenton’s built environment, including features such as:

- relatively narrow street widths
- a grid of interconnected streets
- sidewalks along the streets
- a mix of lot widths (some narrow, some wide)
- on-street parallel parking
- buildings located relatively close to the front street
- two and three story buildings that frame the street
- rear access via alleys

It shall be the responsibility of the applicant to explain the design elements believed to justify approval of density increase.

- 3-4.5.6.2 Density bonuses shall not result in a gross density in excess of twelve (12) units per gross acre, nor a net density in excess of twenty (20) units per net acre.

**3-4.5.7 Density Bonus for Public Use Sites**

- 3-4.5.7.1 The Planning Commission may recommend and the Town Council may permit increases in the number of dwelling units otherwise permitted comparable to the schedule above ~~where an applicant dedicates and in appropriate cases for dedication of~~ public sites for such facilities as

schools, parks, and public buildings if such sites are consistent with and located in accordance with the Comprehensive Plan.

3-4.5.7.2 Density bonuses may result in a total gross density not to exceed twenty (20) units per net acre. In no case shall the use of one or more density bonus provisions result in any densities exceeding twenty (20) units per net acre

### 3-4.5.8 Building Regulations

Use	Maximum Height
All dwellings except Multi-Family Dwellings	35 ft.*
Multi-family dwellings	45 ft.
Other Permitted Uses	45 ft.**

\* The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one (1) foot for each additional foot of building height over thirty-five (35) feet. This may be achieved in part by setting back the second and/or third stories of the building a greater amount than the first story.

\*\*A public or ~~semi-public~~ institutional building ~~such as a school or church or library~~ may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

### 3-4.5.9 Open Space Requirements

3-4.5.9.1 For apartments generally: Five hundred (500) square feet of usable common open space for each dwelling unit. Open space area shall be in the form of common greens of at least five thousand (5,000) square feet each. Such greens shall be located so as to provide a focal point for the units, with the units fronting the green (s) or fronting streets that border the green(s).

3-4.5.9.2 For dwellings for the elderly and handicapped: Two hundred (200) square feet of usable common open space for each dwelling unit.

3-4.5.9.3 For ADU developments: A developer can increase lot coverage to eighty (80) percent if the proposed development is within six hundred (600) feet of public active recreation and open space, and residents do not have to cross a roadway that has a speed limit of greater than thirty-five (35) miles per hour, or that is more than two (2) lanes in width, to reach such space.

3-4.5.9.4 The minimum distance between main buildings shall be thirty (30) feet.  
(Adopted 10/10/00)

- 3-4.5.9.5. Additional Open Space. All land in or encompassed by a development within this district which is a part of the same tract and is not actually used or planned for development shall be maintained as open space to be enjoyed by the residents, either under the provisions of Article 9 or it may be maintained by a homeowners association or the developer and/or management in the case of rental properties, on a permanent basis.

#### **3-4.5.10 Recreational Facilities**

- 3-4.5.10.1. Townhouse and multifamily developments of thirty-five (35) dwelling units or more shall provide ~~improved~~ active recreational space for the private use of townhouse residents.
- 3-4.5.10.2. The amount of required recreational space and facilities for townhouse and multifamily developments shall be computed according to the occupancy figures provided below. Occupancy figures will be computed for the total number of dwelling units in the development:

One (1) Bedroom: Two (2) adults

Two (2) Bedroom: Two (2) adults and one (1) child

Three (3) Bedroom: Two (2) adults and two (2) children

Four (4) Bedrooms: Two (2) adults and three (3) children

- 3-4.5.10.3. Based upon the number of occupants computed above, each of the following three (3) types of activity space shall be provided, in the amounts determined by the following schedule:
- Child Use Space: Twenty (20) square feet for each child.
  - Mixed Use Space: Twenty-five (25) square feet for each child and adult.
  - Adult Space: One hundred (100) square feet for each adult.
- 3-4.5.10.4. Required activity space shall be occupied by the following types of facilities. All playground equipment shall meet commercial grade playground standards for intensive or extended use.
- Child Use Space: Tot lot, intermediate playground, nursery day care, or similar facility.
  - Mixed Use Space: Swimming pool, handball or racquetball court, tennis courts, basketball courts, meeting and activity rooms, volleyball court, or similar facility.
  - Adult Space: Health club, weight room or gymnasium, terrace or landscaped passive recreation area, or other similar facility.

Mixed use spaces may be substituted for child use spaces if, in the opinion of the Planning Director and Planning Commission, they are more appropriate for the development in question.

The nature and proportion of recreational spaces and facilities may be altered if, in the opinion of the Planning Director and Planning Commission, an alternative proposal is presented and considered more appropriate for the development in question.

3-4.5.10.5. For townhouse or multifamily developments of fifty (50) units or more, at least twenty-five (25) percent of the total required recreation space will be provided indoors so as to be usable year round.

3-4.5.10.6. The following general design standards shall apply to required activity spaces:

- Required activity spaces shall be located in such a fashion as to be accessible by foot by all residents, using either sidewalks, or paths within common open space, or a combination thereof, that eliminates the necessity of traveling within roadways or travel lanes to gain access to such areas.
- Activity spaces for children shall be designed and placed to facilitate visibility from adjacent dwelling units, roadways, travel lanes, sidewalks, or adjacent common areas. Shade trees should be provided but shrubbery or fence materials that provide an opaque screen adjacent to the activity area are not appropriate. Benches or seats should be provided for use by parents.
- Activity areas for children located within fifty (50) feet of a travel lane, or within seventy-five (75) feet of a two (2) lane public roadway or one with a posted speed limit of thirty-five (35) miles per hour or less, or within one hundred (100) feet of a roadway greater than two (2) lanes or with a posted speed limit of greater than thirty-five (35) miles per hour, should be fenced to discourage the movement of children towards the roadway or travel lane.

**3-4.6 R-40 Residential District****3-4.6.1. Legislative Intent**

This district is comprised of low density, single family dwellings, and other selected uses which are compatible with the low density residential character of the district. The established regulations for this district are designed to implement the Comprehensive Plan and to promote and encourage an environment for family life, and thus, all commercial activities are prohibited. Densities shall not exceed one dwelling unit per acre. In order to provide and encourage innovative designs in residential developments so that open lands may be developed both efficiently and with imagination, cluster developments or traditional developments are encouraged.

**3-4.6.2. Permitted Uses (by-right)**

- Single-family detached dwelling units
- Accessory buildings
- Home occupations
- Agricultural uses existing at the effective date here of
- Yard sales or garage sale for the disposal of used household items, provided such sales are not held more frequently than once a year on the same lot, are not conducted for more than three days and include items assembled only from households adjoining neighbors
- Signs subject to Article 6
- Off street parking for permitted uses subject to Article 7
- Open space subject to Article 9
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Group Homes of eight (8) residents or less

**3-4.6.3 Permissible Uses (by special use permit upon approval of the Town Council)**

- Accessory dwelling units [moved]
- Active and passive recreation and recreational facilities
- Bed and breakfast facility
- Cluster development (see Article 9-6)
- Family care home
- Group Homes of eight (8) residents or more
- Churches
- Community buildings

- Golf courses
- Home business
- Parks and playgrounds
- Schools
- Swim clubs, Tennis clubs
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings

#### 3-4.6.4 Lot and Yard Regulations

Use	Minimum	Minimum	Maximum	Minimum Setbacks		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Lot Coverage (impervious surfaces)	Front	Side	Rear
Single-Family Dwelling	40,000	135 ft.	65%	60 ft.	25 ft.	35 ft.
Single- Family Cluster	25,000	90 ft.	65%	50 ft.	20 ft.	25 ft.
Other Permitted Uses	40,000	90 ft.	65%	50 ft.	30 ft.	35 ft.

Front setbacks shall be equal to the average setbacks for all buildings on the same side of the street within 500 feet, but in no case shall they be less than the minimum described above.

#### 3-4.6.5 Building Regulations

Use	Maximum Height
All dwellings	35 ft.*
Other Permitted Uses	35 ft.**

\* The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one (1) foot for each additional foot of building height over thirty-five (35) feet. This may be achieved in part by setting back the second and/or third stories of the building a greater amount than the first story.

\*\*A public or ~~semi-public~~ institutional building ~~such as a school or church or library~~ may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

**3-4.7 R-E Residential District****3-4.7.1 Legislative Intent**

This district is comprised of low density, single family dwellings, and other selected uses which are compatible with the open and rural character of the district. The established regulations for this district are designed to implement the Comprehensive Plan and to promote and encourage an environment for family life and thus, all commercial activities are prohibited.

In order to provide and encourage innovative designs in residential developments so that open lands may be developed both efficiently and with imagination, cluster developments or traditional developments are encouraged.

**3-4.7.2 Permitted Uses (by-right)**

- Single-family detached dwelling units
- Accessory buildings
- Home occupations
- Agricultural uses existing at the effective date here of.
- Yard sales or garage sale for the disposal of used household items, provided such sales are not held more frequently than once a year on the same lot, are not conducted for more than three days and include items assembled only from households of adjoining neighbors
- Signs subject to Article 6
- Off street parking for permitted uses subject to Article 7
- Open space subject to Article 9
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Group Homes of eight (8) residents or less

**3-4.7.3 Permissible Uses (by special use permit upon approval of Town Council)**

- Accessory dwelling units *[moved]*
- Active and passive recreation and recreational facilities.
- Bed and breakfast facility
- Cluster development (in accord with Section 9-6)
- Family care home
- Group Homes of eight (8) residents or more

- Churches
- Community buildings
- Golf courses
- Home business
- Parks and playgrounds
- Schools
- Swim clubs, Tennis clubs
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings.

#### 3-4.7.4 Lot and Yard Regulations

Use	Minimum	Minimum	Maximum	Minimum Setbacks		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Lot Coverage (impervious surfaces)	Front	Side	Rear
Single-Family Dwelling	5 acres	200 ft.	65%	75 ft.	25 ft.	35 ft.
Single- Family Cluster	30,000	90 ft.	65%	50 ft.	20 ft.	25 ft.
Other Permitted Uses	40,000	90 ft.	65%	50 ft.	30 ft.	35 ft.

Regardless of minimum lot size as provided herein, overall densities for any development site shall not exceed one dwelling unit per 5 acres.

Front setbacks shall be equal to the average setbacks for all buildings on the same side of the street within 500 feet, but in no case shall they be less than the minimum described above.

#### 3-4.7.5 Building Regulations

Use	Maximum Height
All dwellings	35 ft.*
Other Permitted Uses	35 ft.**

\* The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one (1) foot for each additional foot of building height over thirty-five (35) feet. This may be achieved in part by setting back the second and/or third stories of the building a greater amount than the first story.

\*\*A public or ~~semi-public~~ institutional building ~~such as a school or church or library~~ may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.



**3-4.8 RO Residential Office District****3-4.8.1 Legislative Intent**

**Legislative Intent.** This district is designed to provide for business and professional offices and certain personal service uses in attractive surroundings with types of uses limited and signs and building features limited so as to be compatible with residential use and to implement the Comprehensive Plan. The district can be applied to large or small areas if development standards are complied with. The district may also be applied as a transition area between a commercial area and a residential area. ~~Height of office buildings is limited to two (2) stories near residential districts and landscaping is required in order to enhance residential compatibility.~~

**3-4.8.2 Permitted Uses (by-right)**

- Accessory uses customarily incidental to permitted uses
- Home occupations
- Offices, business and professional
- Off-street parking subject to Article 7
- Open space subject to Article 9
- Personal Service Establishments not to exceed 3,500 square feet in gross floor area.
- Single-family detached dwelling units
- Signs subject to Article 6
- Studios for artists, photographers, and sculptors
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Yard sale or garage sale

**3-4.8.3 Permissible Uses (by special use permit upon approval of Town Council)**

- Assisted living facilities ~~(amended by Council 5-14-96)~~
- Banks and savings and loan offices
- Institutional uses
- Churches
- Child care center, day care center, or nursery school
- Clubs, lodges, and assembly halls.
- Community buildings
- Townhouses and duplexes subject to all RT requirements and regulations in Article 3
- Active and passive recreation and recreational facilities
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings

**3-4.8.4 Lot and Yard Regulations****3-4.8.4.1. Lot Requirements**

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Frontage (at front setback)	Maximum Lot Coverage (impervious surfaces)
All Uses	10,000	75 ft.	<u>75%</u>

**3-4.8.4.2. Yard Requirements****Front Setbacks**

From right-of-way of local street having right of way of 50 feet or less	From right-of-way of major thoroughfare or collector street having right of way greater than 50 feet	From right- of-way of a service drive	From any interior private or public accessway	Accessory Buildings
40 feet	60 feet	40 feet	20 feet	Not permitted forward of the setback line.

**Side Yard Setbacks\*****Rear Yard Setbacks\***

Adjacent to any C, I or RO District	Adjacent to any R District	Adjacent to any C or I District	Adjacent to any R District
10 feet	25 feet	15 feet	25 feet

\* Accessory buildings over fifteen (15) feet in height shall be at least ten (10) feet from any lot line.

**3-4.8.5 Building Regulations**

Use	Maximum Height*
Office Buildings, banks and service establishments	45 feet except limited to two stories and 35 feet for any part of structure within <del>200</del> <u>70</u> feet of a residential district
Accessory buildings	Shall be less than the main building in height. <del>Accessory buildings over fifteen (15) feet in height shall be at least ten (10) feet from any lot line</del>
Other Buildings	45 feet

\*A public or ~~semi-public~~ institutional building ~~such as a school or church or library~~ may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over forty-five (45) feet.

**~~15.7 – Special Provision for Accessory Structures~~**

- ~~— Accessory building aggregate area shall not exceed twenty five (25) percent of the open space required.~~
- ~~— Accessory buildings shall not be located closer than five (5) feet to any rear or side property line or within five (5) feet of the main structure, except that an accessory building may be built on the property line as a party wall, provided the applicant files with the Zoning Administrator the written consent of the owners of the adjoining properties, and the exterior walls are of masonry construction. Provision must be made for disposal of roof water onto the subject property or to the nearest storm sewer.~~
- ~~— Attached accessory buildings and structures shall be subject to same setback as main structure.~~
- ~~— Open fire escapes of noncombustible material may project into side or rear yards by not more than four (4) feet and be no closer to any property line than five (5) feet.~~

**~~15.8 – Screening~~**

~~The district shall be permanently screened from adjoining and contiguous residential districts by a wall, fence, evergreen hedge, and/or other suitable enclosure of minimum height five (5) feet and maximum height eight (8) feet. Any area between such enclosure and the property line shall be landscaped to form a permanent screening area. The requirement for a screening enclosure and/or screening area may be waived if equivalent screening is provided by existing parks, parkways, recreational areas, or by topography or other natural conditions. The above requirement shall not apply when the (architectural) front of any commercial building faces the street across from a R district or when the strict application of the requirement relative to screening can be demonstrated on the site plan as not serving the purpose for which it is intended.~~

**3-4.9 PSP Public-Semi-Public Institutional District****3-4.9.1. Legislative Intent**

This district is intended to provide for major public, semi-public, and institutional uses, to facilitate future growth of such uses within the district in accordance with the objectives, policies, and proposals of the Comprehensive Plan, including the encouragement of convenient and safe nearby residential neighborhoods, and to provide evidence on the Zoning map of the nature of land use planned for this district.

**3-4.9.2. Permitted Uses (by-right)**

- Accessory buildings and uses, including dwellings accessory to a permitted use
- Cemeteries
- Child care center, day care center, or nursery school
- Churches
- Community buildings
- Fairgrounds, showgrounds, or exhibition center
- Family care homes, foster homes, or group homes
- Hospitals, nursing homes, and clinics
- Institutional uses
- Offices for business or professional use
- Off-street parking for permitted uses subject to Article 7
- Open space subject to Article 9
- Parks and playgrounds
- Public or governmental buildings
- Rescue squad or volunteer fire company
- Schools
- Senior citizen center. (~~Adopted Town Council 9/12/00~~)
- Signs subject to Article 6
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Yard sale or other special sale or event conducted on the premises of and for the benefit of a permitted use in the district

**3-4.9.3. Permissible Uses** (by special use permit upon approval of the Town Council)

- Emergency housing. ~~(Adopted Town Council 7/14/98)~~
- Gift Shops ~~(Adopted 7/11/00)~~
- Health and Fitness Facilities
- Museums ~~(Adopted 7/11/00)~~
- ~~Offices, Business and Professional~~ (Adopted 7/11/00)
- Single Family Dwellings ~~subject to the standards of the R-15 Residential District.~~
- Visitor Centers ~~(Adopted 7/11/00)~~
- Active and passive recreation and recreational facilities.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings

**3-4.9.4. Lot and Yard Regulations**

Use	Minimum	Minimum	Maximum	Minimum Setbacks		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Lot Coverage (impervious surfaces)	Front	Side	Rear
All Permitted and <u>Permissible Uses</u>	6,000	<u>60 ft.</u> <del>50 ft.</del>	65%	25 ft.	15 ft.	35 ft.

**3-4.9.5. Building Regulations**

Use	Maximum Height*
All buildings	35 feet
Accessory buildings	Within 20 feet of any lot line shall not exceed 15 feet in height.  All accessory buildings shall be less than the main building in height.

\*A public or ~~semi-public~~ institutional building ~~such as a school or church or library~~ may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

### **3-4.10 C Commercial District**

#### **3-4.10.1. Legislative Intent**

The intent of this district shall be to encourage the logical and timely development of land for a range of commercial purposes in accordance with the objectives, policies, and proposals of the Comprehensive Plan; to prohibit any use which would create undue impacts on surrounding residential areas; and to assure suitable design to protect the residential environment of adjacent and nearby neighborhoods. It is further declared to be the intent of this district to limit traffic congestion, overcrowding of land, noise, glare, and pollution, so as to lessen the danger to the public safety, and to ensure convenient and safe pedestrian access to and from commercial sites as well as between adjacent commercial sites. The protective standards contained in this Article are intended to minimize any adverse effect of the ~~center~~ commercial district on nearby property values and to provide for safe and efficient use of the ~~center~~ commercial district itself.

#### **3-4.10.2. Permitted Uses (by-right)**

Any of the following uses provided that no one-business establishment exceeds 50,000 square feet of gross floor area on the lot or on the tract.

- Accessory uses customarily incidental to these uses.
- Apartments located above ground floor retail or office uses *[moved from SUP]*
- Banks and other financial institutions.
- Broadcasting stations.
- Churches
- Clinics
- Cleaning and pressing shops
- Community buildings.
- Convenience store. *[moved from SUP]*
- Funeral Homes. *[moved from SUP]*
- Health and Fitness Facilities
- Hotels and motels *[moved from SUP]*
- Household Pet Grooming ~~(amended by Council 2/13/96)~~
- Institutional uses.
- Lawn and garden equipment.
- Lumber and building supply with no undercover storage. *[lumber with outside storage remains SUP]*
- Non-fee parking lots and structures.
- Off-street parking subject to Article 7.
- Offices for business or professional use.
- Open space subject to Article 9.
- Restaurants without drive-through facilities
- Retail Sales
- Personal Services

- Service stations with no outside car vehicle storage and without vehicle repair [moved from SUP]
- Signs subject to Article 6.
- Studios and trade schools.
- Taxidermist. [moved from SUP]
- Trade school, studio
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water sewer service, but not those facilities listed as requiring a special use permit.
- Vending machines and Laundromats

*Note: Milk and soft drink distribution stations and Commercial nurseries and greenhouses are in LI district*

### **3-4.10.3. Permissible Uses** (by special use permit upon approval of the Town Council)

- Any use listed as permitted by right in Section 3-4.10.2 that exceeds 50,000 square feet of gross floor area
- Car Washes
- Car wash, Self-service
- Carnivals, fairs, and other similar uses of a temporary nature
- ~~Child Day care centers (amended by Council 4/7/87)~~
- Clubs, lodges, and assembly halls
- Crematories
- Farmers markets
- Frozen food lockers.
- Grain and feed supply stores
- Lumber and building supply with undercover storage
- Monument sales
- Plumbing and electrical supply with undercover storage
- Taxicabs *stands*
- Temporary fair and show grounds
- Theaters [indoor]
- Veterinary hospitals (amended by Council 7/11/95)
- Wholesale establishments but not warehouses generally

*Note: Self-service storage compartments commonly known as mini-warehouses – are in LI district*

- Active and passive recreation and recreational facilities
- Animal kennels *[put back in as SUP, as originally in CG district]*
- Automobile sales, truck sales and service repair garages, automobile body shops, and tire recapping and retreading. (All vehicles must be parked on paved surfaces)
- Commercial parking lots and garages
- Commercial recreational establishments
- Drive-through service facility of any kind

- Farm equipment, motorcycle, boat, and sport trailer sales and service
- Heliports *[put back in as SUP, as originally in CG district]*
- Restaurant with drive-through facility
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings
- Transitional housing (~~Amended by Council 5/14/96~~)

#### 3-4.10.4. Lot and Yard Regulations

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Frontage (at front setback)	Maximum Lot Coverage (impervious surfaces)
All Uses	6,000	50 ft.	85%

#### Front Setbacks

From right-of-way of local street having right of way of 50 feet or less*	From right-of-way of major thoroughfare or collector street having right of way greater than 50 feet *	From right-of-way of a service drive*	From any interior private or public accessway	Accessory Buildings
40 feet	60 feet	40 feet	20 feet	Not permitted forward of the setback line.

\* Front setback may be reduced by 20 feet if no parking or loading areas are located between the structure and the front lot line.

#### Side Yard Setbacks\*

Adjacent to any C or I District	Adjacent to any R District	Adjacent to any C or I District	Adjacent to any R District
10 feet	25 feet	15 feet	25 feet

#### Rear Yard Setbacks\*

\* Accessory buildings over fifteen (15) feet in height shall be at least ten (10) feet from any lot line.

#### 3-4.10.5. Building Regulations

Use	Maximum Height*
Accessory buildings	shall be less than the main building in height.
Other Buildings	45 feet

\*\*A public or semi-public institutional building such as a school or church or library may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over forty-five (45) feet.



### **3-4.11 CBD Central Business District**

#### **3-4.11.1. Legislative Intent**

**Legislative Intent.** The intent of this district is to provide for orderly development, infill and revitalization of the central business and commerce area of the Town of Warrenton in accordance with objectives, policies, and proposals of the Comprehensive Plan of the Town; and for the logical and timely development of the land for primarily business purposes providing for higher density residential development, especially on the upper floors of structures on Main Street and encouraging a lively retail environment at the street level of Main Street. The district is designed to encourage the following:

- Re-use of existing buildings in ways that are compatible with and supportive of the purposes of the district and of the Comprehensive Plan.
- Preservation of the unified, historic character of the district and its function as the retail and service center for Town citizens and visitors.
- The creation and reinforcement of the street as a public space, defined by buildings fronting the street, to create a harmonious pedestrian environment for Town citizens and visitors.
- Mixed uses within the district, including mixed uses within single structures.
- A uniformity of design to ensure the orderly arrangement of buildings, land uses, and parking areas, and all construction hereafter proposed for this area.
- An ~~aesthetic~~ cohesive interrelationship of buildings in order to ensure a harmonious environment, allowing a degree of variety in building design provided said variety is within the overall historic, human-scale design framework of the district.
- Maximization of a beneficial interrelationship between vehicular facilities (streets and parking lots), pedestrian facilities (sidewalks, malls and plazas), and commercial establishments, with a particular focus on pedestrian, convenience and safety.
- The provision of adequate, appropriately located off-street parking facilities.
- The architectural design and arrangement of buildings and spaces so as to conform to the general character and plans of the district.

#### **3-4.11.2. Permitted Uses (by-right)**

- Accessory buildings
- Apartments
- Single-family detached dwelling units
- Townhouses and duplexes
- Churches
- Community buildings
- Retail service stores not exceeding three thousand (3,000) square feet in gross area, or within an existing space legally used for such purposes within the previous five years

- Personal service stores not exceeding three thousand (3,000) square feet in gross area, or within an existing space legally used for such purposes within the previous five years.
- Banks and other financial institutions, but not drive-in facilities
- Broadcasting stations
- Clinics - outpatient care only
- Cleaning and pressing shops limited to six (6) pressing machines, and four (4) dry cleaning machines
- Historic shrines and museums
- Institutional buildings
- Mixed Use structures
- Parking lots, in accord with supplemental regulations in Article 9 and parking lot standards, Article 7
- Offices for business or professional use
- Off-street parking and load subject to Article 7
- Open space subject to Article 9
- Restaurants, without drive-in facilities
- Signs subject to Article 6
- Studios and Trade Schools
- Theaters
- Utilities related to and necessary service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution of communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Vending machines

**3-4.11.3. Permissible Uses** (by special use permit upon approval of the Town Council)

- Child care center, day care center, or nursery school
- Clubs and lodges
- Emergency housing. ~~(Amended by Council 10/10/96)~~
- Farmers markets
- Funeral homes
- Health and Fitness Facilities
- Printing establishments in excess of 3,000 square feet in gross area
- Rental service establishments, with no outside equipment storage.
- Retail, personal or business services, office, or restaurants in dwellings or apartment buildings
- Small equipment sales and/or service operations
- Taxicab stands
- Office, institutional or residential uses in greater than fifty (50) percent of the ground floor area along any single block fronting Main Street
- Active and passive recreation and recreational facilities
- Commercial parking lots and garages
- Commercial recreational establishments
- Hotels and motels, not exceeding seventy-five (75) rooms

- Medical centers and laboratories
- Parks and playgrounds.
- Schools, including trade schools
- Water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, and substations, and cable television facilities and accessory buildings

#### 3-4.11.4. Lot and Yard Regulations

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Frontage (at front setback)	Maximum Lot Coverage (impervious surfaces)	Minimum Setbacks		
				Front	Side	Rear
Commercial Uses	3,000	none	none	none	None to C or I District; 25 ft. to R District	None to C or I District; 25 ft. to R District
Other Permitted and Permissible Uses,	none	none	none	none	None to C or I District; 25 ft. to R District	None to C or I District; 25 ft. to R District
<u>Mixed-use structures</u>	<u>none</u>	<u>none</u>	<u>none</u>	<u>none</u>	<u>none</u>	<u>None to C or I District; 20 ft. to R District</u>
Apartments ( <u>if stand-alone, non-mixed-use structure</u> )	none	none	85%	none	None to C or I District; <u>20</u> ft. to R District	None to C or I District; <u>20</u> ft. to R District
<u>Single Family Dwellings</u>	none	<u>50 ft.</u>	none	none	None to C or I District; <u>20</u> ft. to R District	None to C or I District; <u>20</u> ft. to R District

#### 3-4.11.5. Building Regulations

Use	Maximum Height*	Yards
All main buildings	<u>45 feet by right</u> 75 feet <u>by Special Use Permit</u>	
Accessory buildings	Within 10 feet of any lot line shall not exceed 15 feet in height. All accessory buildings shall be less than the main building in height	<u>All non-residential accessory buildings shall satisfy setback requirements</u>

- \* Side and rear yards adjacent to any other C or I district shall be increased one (1) additional foot of building height above thirty-five (35) feet;
- \* Side and rear yards adjacent to any R district shall be increased two (2) additional feet for each one (1) foot of building height above thirty-five (35) feet.

#### 3-4.11.6. Use Limitations

1. Apartments are a permitted use in the district; however, apartments are prohibited on the ground floor except by Special Use Permit.
2. Apartment densities shall not exceed twenty-five (25) dwelling units per gross acre.
3. Not greater than fifty (50) percent of the ground floor area along any single block shall be used for office, institutional or residential purposes, except by Special Use Permit.

**3-4.12 LI      Limited Industrial District****3-4.12.1      Legislative Intent**

It is the intent of this district to implement the Town's Comprehensive Plan by providing for a variety of light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses appropriately located for access by highways and providing a controlled environment within which signing is limited, uses are to be conducted generally within completely enclosed buildings, and a moderate amount of landscaping is required. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

**3-4.12.2.      Permitted Uses (by-right)**

- Accessory buildings
- Active and Passive Recreation and Recreational Facilities
- Banks and savings and loan offices
- Broadcasting studios and offices
- Business and office supply establishments
- Cabinet, upholstery, and furniture shops. *[moved from C District]*
- Cafeteria or snack bar for employees
- Clinics, medical or dental
- Commercial uses constituting up to 15% of permitted building area
- Conference Centers
- Contractor's office and warehouse without outdoor storage
- Cremetory *[added from SUP in old CG district]*
- Dwellings for resident watchmen and caretakers employed on the premises
- Employment service or agency
- Flex Industrial uses
- Health and Fitness Facilities
- Institutional buildings
- Janitorial service establishment
- Light manufacturing uses which do not create danger to health and safety in surrounding areas and which do not create offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with light industries
- Laboratories, research, experimental or testing, but not testing explosives, rockets, or jet engines
- Monument sales establishments with incidental processing to order but not including shaping of headstones
- Motion picture studio
- Nurseries and greenhouses

- Off-street parking and loading subject to Article 7
- Offices- business, professional, or administrative
- Open space subject to Article 9
- Printing, publishing, and engraving establishment; photographic processing; blueprinting; photocopying; and similar uses
- Private club, lodge, meeting hall, labor union, or fraternal organization or sorority
- Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing, or distributing use
- Rug and carpet cleaning and storage with incidental sales of rugs and carpets
- Security service office or station
- Studios
- Transmission and receiving towers of height not exceeding one hundred twenty-five (125) feet
- Sign fabricating and painting
- Signs subject to Article 6
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Wholesale establishment, storage warehouse, or distribution center. furniture moving

**3-4.12.3. Permissible Uses** (by special use permit upon approval of the Town Council)

- Contractor's storage yard
- Lumber and building supply with undercover storage. [add in from SUP in old IG district]
- Maintenance and equipment shops with screened outside storage [add in from SUP in old IG district]
- Outdoor storage of any kind
- Plumbing and electrical supply with undercover storage [add in from SUP in old IG district]
- Self-service mini-warehouse
- Temporary fair and show grounds
- Commercial Kennels
- Fuel, coal, oil distribution storage yards
- Restaurant or cafeteria, drive-thru or otherwise
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings
- Transmission and receiving towers of height greater than one hundred twenty-five (125) feet.

**3-4.12.4. Lot and Yard Regulations**

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Frontage (at front setback)	Maximum Lot Coverage (impervious surfaces and accessory buildings)
All principal manufacturing and processing uses in industrial parks	One (1) acre	100 ft.	75%
Other uses, including permitted retail and service establishments	10,000 square feet	100 ft.	75%

**Minimum Setbacks**

Use	Front	Side	Rear
All principal manufacturing and processing uses in industrial parks	<p>Fifty (50) feet from the right-of-way of a local street having a right-of-way of fifty (50) feet or less.</p> <p>Sixty-five (65) feet from the right-of-way of a major thoroughfare or collector street having a right-of-way greater than fifty (50) feet.</p> <p>Forty (40) feet from the right-of-way of a service drive.</p> <p>Accessory buildings shall not be permitted forward of the setback line.</p>	<p>Twenty-five (25) feet on an interior lot or adjacent to any C or I district including accessory buildings or parking structures, ten (10) feet for parking lots.</p> <p>One hundred (100) feet adjacent to any R district including accessory buildings or parking structures, fifty (50) feet for parking lots.</p>	<p>Forty (40) feet on an interior lot or adjacent to any C or I district including accessory buildings or parking structures, ten (10) feet for parking lots.</p> <p>One hundred (100) feet adjacent to any R district including accessory buildings or parking structures, sixty-five (65) feet for parking lots.</p>
Other uses, including permitted retail and service establishments	same	same	same

**3-4.12.5. Building Regulations**

Use	Maximum Height
All buildings	35 feet
Accessory buildings	<p>Within 20 feet of any lot line shall not exceed 15 feet in height.</p> <p>All accessory buildings shall be less than</p>

the main building in height.

**3-4.12.6. Special Regulations for Manufacturing and Commercial Buildings**

~~Similar Uses Permitted. Other manufacturing and processing uses which, in the opinion of the Planning Director, are of the same general character as those permitted uses listed above shall be permitted. In general all uses shall be conducted so as not to produce hazardous, objectionable, or offensive conditions at property line boundaries by reason of odor, dust, smoke, cinders, fumes, noise, vibration, heat, glare, wastes, fire, or explosion.~~

- 3-4.12.6.1. Enclosed Buildings. All uses shall be conducted within a completely enclosed building of permanent and durable construction, with no open storage of raw, in process, or finished material and supplies or waste material. Finished or semi-finished products manufactured on the premises may be stored in the open if screened from the street or from a residence district by landscaping, fences, or walls.
- 3-4.12.6.2. Landscaping. In general, where approval of a site plan is required, the landscape plan shall be designed to promote harmonious relationships with adjacent and nearby residential properties, developed or undeveloped, and to this end may provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen, or natural vegetation as outlined in Article 8, General Provisions for Landscaping.
- 3-4.12.6.3. Fencing. All fencing shall have a uniform and durable character and shall be properly maintained.

**Section 3-5.1 FPD - FLOODPLAIN DISTRICT****3-5.1.1 Legislative Intent**

The Floodplain District is created to prevent:

- 1) the loss of property and life,
- 2) the creation of health and safety hazards,
- 3) the disruption of commerce and governmental services,
- 4) the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and
- 5) the impairment of the tax base.

These special regulations are designed to achieve the pertinent purposes of zoning as set forth in the Code of Virginia, Title 15.2-2283, and to implement the Comprehensive Plan, and ensure good planning practices that:

- 1) regulate uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies;
- 2) restrict or prohibit certain uses, activities, and development from locating within districts subject to flooding;
- 3) require all uses, activities, and developments that do occur in flood-prone districts to be protected and/or floodproofed against flooding and flood damage; and
- 4) protect individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

**3-5.1.2 Applicability**

The provisions of this Ordinance shall apply to all lands within the Town and identified as being within the One Hundred-Year Floodplain by the Federal Insurance Administration.

**3-5.1.3 Establishment of Floodplain Districts****3-5.1.3.1 Description of Flood Districts**

1. The two (2) floodplain districts shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of these districts shall be the Flood Insurance Study for the Town of Warrenton, prepared by the U. S. Department of Housing and Urban Development, Federal Insurance Administration (FIM), dated February 1, 1979, and any updates of this study that may be promulgated by the FIM or its succeeding agency.



2. The Floodway District is delineated for purposes of this Ordinance using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
3. The Flood-Fringe District shall be that area of the 100-year floodplain not included in the Floodway District. The basis for the outermost boundary of this District shall be the one hundred (100) year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map.
4. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
5. Where there happens to be any conflict between the provisions or requirements of any of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
6. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

#### **3-5.1.3.2 District Boundaries**

The boundaries of the Floodplain Districts are established as shown on the Flood Boundary and Floodway Map which is declared to be a part of this ordinance.

#### **3-5.1.3.3 District Boundary Changes**

The delineation of any of the floodplain districts may be revised by the Town Council where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency or individual documents the notification for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

#### **3-5.1.3.4 Interpretation of District Boundaries**

Initial interpretation of the boundaries of the Floodplain Districts shall be made by the Planning Director. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination.

#### **3-5.1.4 District Provisions and Procedures**

**3-5.1.4.1 District Provisions**

No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in compliance with the terms and provisions of this Ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Ordinance. Prior to any proposed alterations or relocation of any channels or floodways of any watercourse, stream, etc., within the Town, approval shall be obtained from the Virginia Marine Resources Commission. Further notification of the proposal shall be given to all affected adjacent jurisdictions by the applicant. Copies of such notification shall also be forwarded by the applicant to the Zoning Administrator, the Virginia Division of Soil and Water Conservation, the Corps of Engineers, the State Water Control Board, and the Federal Insurance Administration for their approval before such a proposal is submitted to the Town.

Prior to any proposed alteration or relocation of any channels or floodways of any watercourse, stream, etc., within the town, approval shall be obtained from the State Water Control Board. Further notification of the proposal shall be given to all affected adjacent jurisdictions by the applicant. Copies of such notification shall also be forwarded by the applicant to the Zoning Administrator, the Virginia Division of Soil and Water Conservation, the Corps of Engineers, the State Water Control Board, and the Federal Insurance Administration for their approval before such a proposal is submitted to the Town.

Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system. No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in the one hundred (100)-year flood elevation.

**3-5.1.4.2 Permit Requirements**

All uses, activities, and development occurring within any floodplain area shall be undertaken only upon the issuance of a permit from the Zoning Administrator. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws.

**3-5.1.4.3 Floodway District**

In the Floodway District no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate federal, local, and/or state authorities as required. The placement of any manufactured home, except in an existing manufactured home park or subdivision, within the Floodway District is specifically prohibited.

Prior to any proposed alteration or relocation of any channels or floodways of any watercourse, stream, etc., within the Town, approval shall be obtained from the State Water Control Board. Further notification of the proposal shall be given to all affected adjacent jurisdictions by the applicant. Copies of such notification shall also be forwarded by the applicant to the Zoning Administrator, the Virginia Division of Soil and Water Conservation, the Corps of Engineers, the State Water Control Board, and the Federal Insurance Administration for their approval before such a proposal is submitted to the Town.

Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system. No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in the one hundred (100)-year flood elevation.

**3-5.1.4.4 Permitted Uses in the Floodway district**

In the Floodway District the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment:

1. Public and private recreational uses and activities such as parks, day camps, picnic grounds, and golf courses.
2. Accessory residential uses such as yard areas, gardens, play areas, and pervious loading areas.
3. Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.

**3-5.1.4.5 Permissible Uses in the Floodway District**

The following uses and activities may be permitted by the Town Council by special use permit, subject to the provisions of Article 11, provided that they are in compliance with the provisions of the underlying district and are not prohibited by this or any other Ordinance and that all uses, activities, and structural developments shall be undertaken in strict compliance with the flood-proofing provisions contained in all other applicable codes and ordinances:

1. Structures, except for manufactured homes, accessory to the uses and activities in Section A above.
2. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.
3. Temporary uses such as circuses, carnivals, and similar activities.
4. Storage of materials and equipment provided that they are not buoyant, flammable, or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.
5. Other similar uses and activities provided they cause no increase in flood heights and/or velocities.
6. Active and passive recreation and recreational facilities.

**3-5.1.4.6 Flood-Fringe District**

1. In the Flood-Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.
2. Prior to any proposed alteration or relocation of any channels or floodways of any watercourse, stream, etc., within the Town, approval shall be obtained from the State Water Control Board. Further notification of the proposal shall be given to all affected adjacent jurisdictions by the applicant. Copies of such notification shall also be forwarded by the applicant to the Zoning Administrator, the Virginia Division of Soil and Water Conservation, the Corps of Engineers, the State Water Control Board,

and the Federal Insurance Administration for their approval before such a proposal is submitted to the Town.

3. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system. No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in the one hundred (100) year flood elevation.

#### **3-5.1.4.7 Site Plans and Permit Applications**

All applications for development in the Floodplain District and all building permits issued for the Floodplain shall incorporate the following information:

1. For structures to be elevated, the elevation of the lowest floor, including basement or cellar.
2. For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.
3. The elevation of the one hundred (100)-year flood.
4. Topographic information showing existing and proposed ground elevations.

#### **3-5.1.4.8 Manufactured Homes**

All manufactured homes that are placed or substantially improved must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base floor elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement. Foundations shall meet the building code standards required of conventional stick-built single family dwellings.

#### **3-5.1.4.9 Recreational Vehicles**

Recreational vehicles placed on sites shall either

1. Be on the site for fewer than one hundred (180) consecutive days, and
2. Be fully licensed and ready for highway use, or
3. Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes as contained in the Virginia Uniform

Statewide Building Code. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

#### **3-5.1.4.10 Existing Structures in Floodplain Districts**

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

1. Existing structures and/or uses located in the Floodway District shall not be expanded or enlarged
2. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any Flood-Fringe district to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed-
3. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use regardless of its location in a Flood-Fringe district to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code.
4. Uses of adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

#### **3-5.1.5 Design Criteria for Utilities and Facilities**

##### **3-5.1.5.1 Sanitary Sewer Facilities**

All new or replacement sanitary sewer facilities and private package sewage treatment plants, including all pumping stations and collector systems, shall be designed to minimize the infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

##### **3-5.1.5.2 Water Facilities**

All new or replacement water facilities shall be designed to minimize or eliminate infiltration or flood waters into the system and be located and constructed to minimize or eliminate flood damages.

##### **3-5.1.5.3 Drainage Facilities**

All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites.

The Town Council may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

#### **3-5.1.5.4 Utilities**

All utilities, such as gas lines, electrical, and telephone systems, being placed in flood-prone areas should be located, elevated where possible, and constructed to minimize the chance of impairment during a flood occurrence.

#### **3-5.1.5.5 Streets and Sidewalks**

Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

**~~3-5.1.6~~ —Variances**

**~~3-5.1.6.1~~** In reviewing requests for variances, the board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the Zoning Ordinance and consider the following additional factors:

- ~~—The danger to life and property due to increased flood heights or velocities caused by encroachments. Variances shall not be issued for any proposed use, development, or activity within any floodway area that will cause any increase in flood levels during the one hundred (100) year flood.~~
- ~~—The danger that materials may be swept onto other lands or downstream to the injury of others.~~
- ~~—The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.~~
- ~~—The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.~~
- ~~—The importance of the services provided by the proposed facility or use to the community.~~
- ~~—The availability of alternative locations for the facility not subject to flooding.~~
- ~~—The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the Town.~~
- ~~—The safety and access by ordinary emergency vehicles to the property in time of flood.~~
- ~~—The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters at the proposed site.~~
- ~~—Such other factors which are relevant to the purposes of this Ordinance.~~

**~~3-5.1.6.2~~ Technical Assistance**

~~The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.~~



**3-5.1.6.3 Criteria**

~~Variances shall be issued only after the Board has determined that the granting of such will not result in a) unacceptable or prohibited increase in flood heights, b) additional threats to public safety, c) extraordinary public expense, and will not d) create nuisances, e) cause fraud or victimization of the public, or f) conflict with local laws and ordinances. Variances shall be issued only after the Board has determined that the variance will be the minimum required to provide relief from any documented hardship to the applicant, and that all other standards for granting variances are met.~~

**3-5.1.6.4 Notification and Records**

~~The Board or its agent shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation a) increases the risks to life and property and b) will result in increased premium rates for flood insurance.~~

~~A record will be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.~~

**3-5.1.6 Liability**

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the Floodplain District or that land uses permitted within such districts will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Town of Warrenton or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

### **3-5.2 PUD - PLANNED UNIT DEVELOPMENT DISTRICT**

#### **3-5.2.1 Legislative Intent.**

It is the intent of this Article is to achieve the purposes set out in Title 15.2-2283 of the Code of Virginia and the Town's Comprehensive Plan, and the following specific purposes of:

- providing increased flexibility in the laws governing the development of those areas in Warrenton which are now substantially open land and encouraging such development in directions that will recognize both the changes in design and technology in the building industry and the new demands in the housing market;
- insuring that the uniform regulations appropriate to previously developed residential neighborhoods do not operate to discourage efficient and imaginative development of said substantially open areas consistent with the reasonable enjoyment of neighboring properties;
- encouraging the more efficient allocation and maintenance by private initiative of Common Open Space ancillary to new residential areas;
- encouraging the more efficient use of those public facilities required in connection with new residential development;
- encouraging innovations in residential and nonresidential development so that the growing demands of Warrenton may be met by greater variety in type, design, layout of buildings and housing types;
- encouraging the creation of human-scaled development with pedestrian-friendly streets, in a traditional neighborhood pattern,
- encouraging compatible infill development, and
- encouraging the development of affordable housing for local residents.

#### **3-5.2.2 Applicability.**

The PUD Overlay District is hereby established as an overlay district, as shown on the Town's Official Zoning Map. All regulations of the applicable underlying regular base zoning district shall apply to each parcel within the overlay district, except as modified by the provisions of the district and any proffers or other limitations associated with the approval of a specific district application by the Town.

#### **3-5.2.3 General Planning Considerations**

In considering an application for Planned Unit Development (PUD), the Town Council may request information which will aid in determining that:

- The population density of the PUD is consistent with the recommended population density embodied in the Comprehensive Plan and zoning for that area.
- The incorporation of the development with existing land use and the proposed land uses adjacent to the site have been attempted.

- The conditions and availability of adjacent streets to efficiently and safely afford movement of the volume of vehicles to be generated by development have been met.
- Additional community facilities made necessary by the proposed development will be provided in accord with the Town's plans and policies.
- Additional public services made necessary by the proposed development will be provided or funds reserved for them in accord with the Town's plans and policies.
- The adequacy of utility services is sufficient for the proposed uses.
- The amount and relationship of the various types of dwellings proposed by the development are documented.
- The ratio of dwelling units to be owner occupied and rental is documented.
- The amount, location, and proposed use of permanent open space achieved by the development are illustrated.
- The preservation of trees, groves, watercourses, scenic points, historic spots, and other community assets and landmarks will be incorporated.
- Streets and sidewalks that are, safe and convenient for pedestrian activity are provided.

#### **3-5.2.4 Standards and Criteria for Planned Unit Development**

This Article is formulated according to the principle that the PUD is an innovative departure from the traditional concept of zoning. In providing guidance for a PUD, the following standards and criteria are outlined in order to present respective minimum and maximum regulations.

##### **3-5.2.4.1 General Criteria**

- 1 Application of the Planned Unit Development Article. The applications and provisions of this Article shall be applied only to an area of not less than twenty-five (25) adjacent and/or contiguous acres within any R district.
- 2 A PUD Master Plan will be developed. This Plan shall include maps and narrative text that describe the location of and relationships between all residential and commercial development, public facilities, roadways, open space and recreation areas, and other proposed major facilities.
- 3 The Plan shall provide for at least two dwelling types.
- 4 A density bonus system is offered to encourage private sector development of affordable dwelling units (ADU), in accord with Article 9, Section 9-3.
5. Not more than fifty (50) percent of the total number of dwelling units shall be provided in apartment uses.
6. No building designed or intended to be used, in part or in whole, for commercial purposes shall be constructed prior to the completion of not less than twenty

(20) percent of the dwelling units proposed in the Plan. The Council shall further have the authority to waive or modify the criteria established in this section, if, in the opinion of the Council it shall determine that the grant of such waiver or modification (i) shall advance the legislative intent and general planning considerations underlying the Planned Unit Development District and this Ordinance, (ii) shall be in general conformity with the adopted Comprehensive Plan, and (iii) shall not create an adverse effect on adjacent land uses.

7. Recreational and open space uses shall be incorporated into each phase or stage of development in the manner prescribed by the Plan. Applicable recreational facilities shall be completed prior to construction of the next phase.
8. Town Council reserves the right to disapprove any sub area (net) densities that are in excess of that which would otherwise be allowed for the same dwelling type under this Ordinance.
9. The applicant shall designate geographic sections and identify the number and type of dwellings of the entire parcel to be developed as a Planned Unit Development.
10. The unique nature of a proposal for Planned Unit Development may require that the specifications for the width and surfacing of streets and highways, alleys, ways for public utilities, for curbs, gutters, sidewalks, street lights, public parks and playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment shall be subject to modification from the specifications established in the provisions of the Town of Warrenton Public Facilities Manual. The Council may therefore waive or modify the specifications otherwise applicable for a particular public facility where the Council finds that such specifications are not required in the interest of the residents of the Planned Unit Development and that the modifications of such specifications are not inconsistent with the interests of the Town. Proposed specifications and standards that are contrary to those required under the prevailing Town regulatory codes shall be termed acceptable upon approval by the Zoning Administrator.

**3-5.2.5 Use Regulations.** A building may be erected, altered, or used, and a lot or premises may be used or occupied, for any of the following purposes, and no other, in addition to those permitted by right within the underlying zoning district.

**3-5.2.5.1. Uses Permitted by Right:**

- Single-family detached dwelling units
- Townhouses
- Two-, Three-, and Four-Family dwelling units
- Duplexes, Triplexes, and Quadriplexes
- Apartments
- Accessory buildings

- Home occupations *[see revised definition]*
- Yard sale or garage sale for disposal of used household items, provided such sales are not held more frequently than once a year on the same lot, are not conducted for more than three (3) days, and include items assembled only from households of adjoining neighbors
- Parks and playgrounds
- Churches and community buildings
- Off-street parking for permitted uses subject to Article 7
- Open space subject to Article 9
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit

**3-5.2.5.2** Uses Permitted by Special Use Permit. The following uses may be permitted upon authorization of the Town Council subject to Article 11, in addition to those permitted by Special Use Permit within the underlying zoning district:

- Active and passive recreation and recreational facilities.
- Affordable Dwelling Units (ADU), within areas designated for multifamily development, at bonus densities of up to twenty (20) dwelling units per net acre.
- Assisted living facilities: ~~(5-14-96):~~
- Banks and savings and loan offices.
- Child care center, day care center, or nursery school.
- Clinics.
- Commercial uses permitted in the C District by right or by special use permit, regardless whether those uses would be by right or by special use permit in the district.
- Family care homes, foster homes, or group homes serving physically handicapped, mentally ill, mentally retarded, or other developmentally disabled persons.
- Health and Fitness Facilities
- Home Business *[see revised definition]*
- Institutions, education and philanthropic, including museums, art galleries, and libraries.
- Professional and business offices.
- Schools.
- Swim and tennis clubs.
- Traditional Neighborhood Developments, as provided for in Section 3-5.2.10.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings.

### 3-5.2.6 Density and Area Regulations

#### 3-5.2.6.1 Maximum density.

The maximum density computed over the entire PUD shall not exceed that specified in the Comprehensive Plan, such computation to exclude from the land area only those streets which are to be constructed as a part of the PUD. In addition, the maximum density computed over the entire PUD shall not exceed that permitted for the zoning district or districts in force in the PUD area at the time of the PUD application. Density bonuses may be awarded in accordance with district schedules as a part of the design approval for the PUD, but not to exceed overall densities specified by the Comprehensive Plan.

#### 3-5.2.6.2 Minimum Lot Sizes and Setbacks.

Notwithstanding the following minimum lot sizes and setbacks, overall gross densities on the site shall not exceed those provided for in Section 3-5.2.6.1.

Use	Minimum Lot Size <sup>1</sup>	Minimum Lot Width <sup>2</sup>	Maximum Lot Coverage <sup>3</sup>	Setbacks		
				Front <sup>4</sup>	Side	Rear
Single-Family	10,000	80	70%	25	10	20
Two-Family; Three-Family; Four-Family	9,000	70	70%	25	15	25
Duplexes <sup>5</sup>	2,000 sq. ft. per unit	40	50%	25	20	25
Townhouses; <sup>5</sup> Triplexes; Quadriplexes	2,000 sq. ft. per unit	20 for interior 30 for end units	50%	25	20 <sup>7</sup>	25
Apartments	10,000	150	50%	50	50	50
Apartments, ADU	10,000	80	70% <sup>6</sup>	none	15	35
Nonresidential Uses	10,000	80	75%	40	25 or equal to bldg. height	
Other Uses	10,000	80	80%	40	15	20

<sup>1</sup> expressed in square feet

<sup>2</sup> as measured at the front setback

<sup>3</sup> includes all impervious surfaces

<sup>4</sup> as measured from the street right-of-way

<sup>5</sup> lot dimensions are for each unit; setback dimensions are for each structure

<sup>6</sup> may be increased to 80% if within 600 feet of recreation area

<sup>7</sup> only applies to end units

**3-5.2.7 Height Regulations**

Buildings may be erected up to thirty-five (35) feet in height, measured from mean finished grade, except that:

- The height limit for residential dwellings and nonresidential uses may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one (1) foot for each additional foot of building height above thirty-five (35) feet.
- The height limit for apartment structures may be increased up to seventy-five (75) feet and up to seven (7) stories provided each side yard is fifty (50) feet plus one (1) foot or more of side yard for each additional foot of building height above thirty-five (35) feet.

**3-5.2.8 Special Provision for Accessory Structures**

Accessory buildings shall not be located closer than five (5) feet to any rear or side property line or within ten (10) feet of the main structure, except that an accessory building may be built on the property line as a party wall, provided the applicant files with the Zoning Administrator the written consent of the owners of the adjoining properties, and the exterior walls are of masonry construction. Provision must be made for disposal of roof water onto the subject property or to the nearest storm sewer.

- Attached accessory buildings and structures shall be subject to same setback as main structure.
- Open fire escapes of noncombustible material may project into side or rear yards by not more than four (4) feet and be no closer to any property line than five (5) feet.
- Encroachments into yards shall conform with Article 2, Section 2-18, unless otherwise specifically designated herein or as part of a proffered condition.

**3-5.2.9 Open Space Considerations**

**3-5.2.9.1** A minimum of twenty-five (25) percent of the site shall be set aside as open space exclusive of street right-of-way. A minimum of one half of this open space shall be Common Open Space. Common Open Space refers to open space within the boundaries of the planned unit development designed and set aside for use-by all residents of the planned unit development or by residents of a designated portion of the development, and not dedicated as public lands. The location of the Common Open Space shall be planned as a contiguous area located for maximum benefit of the residents, preserving, and where possible, enhancing natural features.

At least fifty (50) percent of such required open space shall be located in a central place within the development or near the main entrance to the development and framed by two-story or three-story buildings so as to create a human-scale development as defined in this ordinance.

**3-5.2.9.2** In determining the amount and location of required permanent open space, the Town Council may request that the applicant:

- Differentiate between open space and the Common Open Spaces and require a reasonable amount of prepared active recreation facilities to be incorporated into the open space plan;
- Preserve all steeply sloped areas (twenty-five (25) percent slope or greater) for permanent Common Open Space;
- Identify any commercial recreational land use anticipated which land use shall not be part of the required minimum amount of open space;
- Identify any community or institutional recreational facility deemed appropriate by the Town Council and made necessary by the magnitude and density of the Planned Unit Development, which use shall be included in the minimum acreage for open space, provided that such use shall not exceed fifty (50) percent of the minimum area required to be in Common Open Space;
- Document and make the appropriate assurances for the ownership and maintenance of the Common Open Space which insures its continuation and conservation as outlined in Article ~~2~~ **23** General Provisions for Open Space.



**3-5.2.10 Traditional Neighborhood Development Option (TND)**

*[entirely new section, not shown as underlined in order to be more easily read]*

**3-5.2.10.1. Purpose**

The purposes of the Traditional Neighborhood Development Option (TND) are to:

- Provide opportunities for the creation of new neighborhoods that have the desirable qualities of the Town’s older neighborhoods that were developed before the late 20<sup>th</sup> century. These neighborhoods feature a mix of land uses and building types, closely linked by an interconnected network of streets that are framed by buildings, and thus comfortable for pedestrians.
- Provide optional provisions is to allow a flexible set of land use and design regulations that will allow traditional neighborhoods to be built subject to Town review and approval through the Special Use Permit process.
- Allow residents to carry out many of life’s activities within their neighborhood, including working, shopping, education and recreation.
- Provide a range and mix of land uses and dwelling types.
- Provide a transportation system that provides safe and convenient movement for all forms of traffic, including motor vehicles, pedestrians and bicycles.
- Provide a system of civic spaces including parks, squares and public structures to create a sense of community.
- Provide a strong sense of identity to the neighborhood by creating public streets and outdoor spaces that are convenient for people to be in and travel through.

Upon approval, a Traditional Neighborhood Development Plan becomes the basis for all continuing land use controls and supercedes any other provisions of this ordinance that conflict with the provisions of the TND approval.

## 3-5.2.10.2. Use and Development Area Standards for TND Option

		<b>Minimum</b>		<b>Maximum</b>
<b>Neighborhood Size</b>		5 acres for a new PUD; 2 acres for expanding an existing PUD		none
		% of Net Development Area		
<b>Land Use Mix:</b>		<b>Minimum</b>		<b>Maximum</b>
Residential uses		50%		80%
Commercial uses		2%		15%
Civic uses***		2%		n/a
Parks, squares, and open space		10%		n/a
		<b>Minimum</b>		<b>Maximum</b>
<b>Net Density:</b>				
Total Residential		n/a		6.0 du/ac
Single Family Detached		n/a		4.0 du/ac
Duplex		n/a		5.0 du/ac
Single Family Attached		n/a		7.0 du/ac
Multi-Family		n/a		12.0 du/ac
<b>Building Floorplate</b>				
Commercial		n/a		20,000 s.f.**
		<b>Minimum</b>		<b>Maximum</b>
<b>Lot Coverage:</b>				
Residential		n/a		50%
Commercial		n/a		70%
Civic		n/a		50%

\*no maximum front setback for lots of 20,000 square feet or greater

\*\*maximum area of building floorplate; 50,000 s.f. by special use permit

\*\*\*Public utility uses shall not be included in this required percentage.

Note: buffer area (minimum 25') required between district and existing residential neighborhoods

## 3-5.2.10.3. Lot Area and Yard Standards for TND Option

<b>Lot Requirements</b>	<b>Minimum</b>	<b>Maximum</b>
<b>Single Family Detached</b>		
Lot Size	8,500 s.f.	n/a
Lot Width	60 ft	n/a
Front Setback-core	0 ft	15 ft*
Front Setback-edge	10 ft	25 ft*
Side Yard	10 ft.	n/a
Rear Yard	25 ft	n/a
<b>Duplex</b>		
Lot Size	14,000 s.f.	n/a
Lot Width	90 ft.	n/a
Front Setback	10 ft	25 ft
Side Yard	10 ft.	n/a
Rear Yard	25 ft	n/a
<b>Single Family Attached</b>		
Lot Size	1,600 s.f.	n/a
Lot Width	18 ft.	n/a
Front Setback-core	0 ft.	15 ft
Front Setback-edge	10 ft.	n/a
Side Yard	10 ft.	n/a
Rear Yard	25 ft	n/a
<b>Multi-Family</b>		
Lot Size	8,500 s.f.	n/a
Lot Width	90 ft.	n/a
Front Setback	0 ft.	25 ft
Side Yard	10 ft.	n/a
Rear Yard	25 ft	n/a
<b>Commercial</b>		
Lot Size	8,500 sf	n/a
Lot Width	70 ft	n/a
Front Setback	0 ft	15 ft
Side Yard	5 ft	n/a
Rear Yard	35 ft	n/a
<b>Civic Uses</b>		
Front Setback	10 ft.	25 ft.
Side Yard	5 ft.	n/a
Rear Yard	25 ft	n/a
<b>Accessory Buildings</b>		
Front Setback	n/a	n/a
Side Yard	5 ft.	n/a
Rear Yard	20 ft	n/a

\*no maximum front setback for lots of 20,000 square feet or greater

\*\*maximum area of building floorplate; 50,000 s.f. by special use permit

Note: buffer area (minimum 25') required between district and existing residential neighborhoods

**3-5.2.10.4. Parks, Squares and Open Space Requirements****1) Total Land Areas for Parks, Squares and Other Open Space Uses**

A minimum of ten (10) percent of the net development area must be designated for Parks, Squares or Other Open Space uses as defined herein.

Natural (undisturbed) open space shall count toward no greater than twenty (20) percent of the total required area for parks, squares or other open space uses.

**2) Minimum Lot Area for Parks, Squares and Other Open Space Uses**

A park, square or open space area shall be at least 10,000 square feet.

No residential dwelling unit of the neighborhood shall be located more than 1,400 feet from the boundary of a park, square or open space property.

**3-5.2.10.5. Streets, Alleys, Paths, Blocks and Parking****1) Grid Network**

The transportation system in Traditional Neighborhoods shall generally be in the form of a grid of interconnected streets, alleys and paths, modified as necessary to accommodate topography and parcel shape.

Cul-de-sacs shall not exceed ten (10) percent of the total length of streets in the Traditional Neighborhood. Alleys are excepted from this calculation.

**2) Block Size**

The blocks created by the grid of streets shall have a maximum block perimeter of 1,800 lineal feet, measured along the interior edge of the street right-of-way, except in locations where a street must cross areas of steep slopes in excess of 10% natural grade. In such cases, the block length may be extended as necessary to circumvent the steep area.

**3) Street Design**

Street sections in Traditional Neighborhoods shall be designed to serve multiple purposes, including movement of motor vehicle traffic, safe and convenient pedestrian and bicycle movement, areas for public gathering and interaction, and areas for placement of street trees, street furniture and

landscaping. Streets shall be designed to balance the needs of all users and promote efficient and safe movement of all modes of transportation.

The following street designations and sections shall be used as guidelines in designing streets that fit the land uses and densities of the proposed network.-

<b>Type of Street by Name</b>	<b>Defined by Typical ADT*</b>	<b>Design Speed</b>	<b>Right of Way</b>	<b>Paving</b>	<b>Parking</b>
Neighborhood Boulevard	> 3,000	30 mph	72 feet	Two lanes @ 18'; 8' median	Two sides
Neighborhood Main Street	> 2,000	20 mph	64 feet	36 feet	Two sides
Neighborhood Avenue	1,000 to 2,000	20 mph	60 feet	34 feet	Two sides
Mixed Residential Street	< 1,000	20 mph	48 feet	28 feet	One side
Mixed Residential Lane	< 500	20 mph	46 feet	26 feet	One side
Mixed Residential Side Street	< 500	20 mph	28 feet	20 feet	None

\*Average Daily Traffic volume projected to occur at the time of completion of development of TND

#### 4) Private Streets

Private streets and alleys, built to standards approved by the Zoning Administrator, are permitted in Traditional Neighborhood Developments. Such private streets and alleys may serve multiple lots and uses, allowing lots to share entrances on to the public street. Private streets and alleys shall be maintained by a property owners association approved by the Town.

#### 5) Sidewalks

Sidewalks shall be provided on at least one side of the street. Paved area of sidewalk shall be not less than six (6) feet wide, with total sidewalk area width not less than twelve (12) feet.

#### 6) Pedestrian and/or Bicycle Routes

Pedestrian and bicycle routes shall be provided to connect all uses, so that pedestrians and bicyclists can move comfortably and safely from any site within the TND to any other site with the TND.

Pedestrian traffic shall be accommodated through the provision of sidewalks and paths. Bicycle traffic shall be accommodated through the provision of designated, well-marked bicycle lanes and/or paths suitable for bicycle traffic.

7) Parking

Parking and loading spaces shall be provided as required in Article 7. On-street as well as off-street parking spaces shall be counted toward satisfying the requirements.

On-street parking spaces assigned to a building or use shall be those spaces that abut the lot containing that building or use. All required handicapped parking spaces shall be provided off-street.

Shared parking shall be permitted upon approval by the Zoning Administrator of a shared parking plan prepared and submitted by the applicant.

Off-street parking and loading spaces shall be located behind or to the side of principal structures and may be served directly or indirectly by alleys.

3-5.2.10.6. Property Owners Association

A Property Owners Association shall be established at the time of zoning approval of a TND. Charter provisions for the POA shall be subject to approval of the Town and at a minimum shall provide for:

- 1) Adequate, on-going funding to maintain all common areas and facilities, including any commonly-owned parks, squares, open space, streets or alleys
- 2) Design guidelines and procedures for review and approval of structures and site plans

3-5.2.10.7. Use Limitations

1) Public Water and Sewer Service

All development within a Traditional Neighborhood District is required to be served by public (or community) water and sewer facilities.

2. Maximum Site Area in Impervious Surfaces

Residential Areas: No greater than sixty-five (65) percent of any lot.

Commercial Areas: No greater than eighty-five (85) percent of any lot.

### **3-5.3 HD - HISTORIC DISTRICT**

#### **3-5.3.1 Legislative Intent**

Districts may hereafter be created which are designated as Historic Districts (HD). They shall include historic areas as defined in the 1950 Code of Virginia § 15.2-2201. See also Code of Virginia § 15.2-2280-2283 and § 15.2-2306. districts may be created by amendment of the Zoning Ordinance and shall be overlay districts, as defined herein.

Pursuant to the purposes and provisions of the 1950 Code of Virginia § 15.2-2306 and for the purposes of implementing the Comprehensive Plan, promoting the general welfare, education, and recreational pleasure of the public, through the perpetuation of those areas or individual structures and premises which have been or may be officially designated by the Town Council as having historic or architectural significance, historic districts are created. Regulations within such districts are intended to protect against deterioration, destruction of, or encroachment upon, such areas, structures, and premises; to encourage uses which will lead to their continuance, conservation, and improvement in an appropriate manner; and to assure that new structures and uses within such districts will be in keeping with the character to be preserved and enhanced.

It is further the intent of this article that the Town Council along with the Planning Commission shall seek and obtain the advice and assistance of the Architectural Review Board, created herein, as well as other organizations or individuals qualified by interest, training, and experience in achieving the objectives set forth.

#### **3-5.3.2 Creation and Composition of Architectural Review Board**

**3-5.3.2.1. Creation.** For the general purposes of administering this article and specifically to preserve and protect historic places and areas in the Town through the control of demolition of such places and through the regulation of architectural design and uses of structures in such areas, there is hereby created a board to be known as the "Architectural Review Board" (ARB) to be composed of five (5) voting members. The members of said Architectural Review Board shall be appointed by the Town Council.

**3-5.3.2.2. Membership.** The Membership shall consist of five (5) members, a majority of which shall be residents of the Town, and all of who have reasonable knowledge and have demonstrated an interest in historic or architectural development within the Town.

**3-5.3.2.3. Terms.** Members shall be appointed for a term of four (4) years. Initial appointments shall be three (3) members for four (4) years, and remaining members for two (2) years.

**3-5.3.2.4.** Organization. The ARB shall elect from its own membership a chairman and vice-chairman who shall serve annual terms and may succeed themselves. The Planning Director or his designee shall serve as Secretary to the ARB.

**3-5.3.2.5.** Rules. The ARB shall meet in regular session at least once a month, whenever an application has been filed for their consideration. Special Meetings of the ARB may be called by the Chairman or a majority of the members after twenty-four (24) hours written notice to each member served personally or left at his usual place of business or residence. Such notice shall state the time and place of a meeting and the purpose thereof.

Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at a special meeting or file a written waiver of notice. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all voting members of the ARB. The ARB may make, alter, or rescind rules and forms for its procedures, consistent with the ordinances of the Town and the general laws of the State of Virginia.

The ARB shall establish procedures for all matters coming before it for review and all meetings shall be open to the public. Adequate notice shall be given to applicants, but meetings need not be advertised in advance except in the case of a proposal to demolish or move a designated landmark or contributing structure. Notice when required shall be the publication of the agenda in a newspaper of general circulation in the county seven (7) days prior to the meeting.

**3-5.3.2.6.** Powers and Duties. The Architectural Review Board shall have the power and authority for issuing or denying Certificates of Appropriateness for construction, reconstruction, substantial exterior alteration, razing, relocation, and signs within the historic district, with right of direct appeal of an adverse decision to the Town Council as provided in Article 11.

In addition to the aforementioned duties and powers, the Board shall have the following duties and powers:

1. To assist and advise the Town Council, the Planning Commission, and other Town departments, agencies, and property owners in matters involving historically significant sites and buildings, such as appropriate land usage, parking facilities, and signs.
2. To advise owners of historic landmarks or contributing structures on problems of preservation.
3. To propose additional historic districts.
4. To conduct studies deemed necessary by the Town Council or Planning Commission concerning additional districts, and means of preservation and utilization of historic assets in the Town.



5. To formulate recommendations to the Town Council concerning the establishment of an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers.
6. To cooperate with and enlist assistance from the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties both public and private in its efforts to preserve, restore, and conserve historic landmarks, buildings, sites, or areas within the Town.

### **3-5.3.3 Applicability; Historic District Boundaries Generally**

#### **3-5.3.3.1. Character.**

The Historic District boundaries shall in general be drawn so as to include lands closely related to and bearing upon the character of the historic site or sites, thus providing an area needed to control potentially adverse influences. Said boundary shall include land on both sides of a street or streets where desirable to accomplish the preservation objective. The concept of the historic district shall include groupings of structures which have significance relative to their patterns of development and/or interrelationships among such structures, while some of the structures might not possess significant merit when considered alone.

#### **3-5.3.3.2. Inventory of Landmarks and Contributing Properties Established.**

The ARB shall prepare and recommend for adoption as a part of this Ordinance an inventory map based upon the criteria set forth in this Ordinance. This map, hereinafter called the Inventory Map, when adopted by the Town Council shall be as much a part of this Ordinance as if fully described herein and shall be filed as a part of this Ordinance by the Zoning Administrator. All structures or sites designated on the Inventory Map as landmark structures or sites shall be considered as landmarks or landmark structures for the purposes of this Ordinance. Structures or sites designated as properties which contribute to the historic character of the Town but which do not contain landmark structures or sites shall be known as contributing properties for the purpose of this Ordinance. Structures or sites not designated as landmark or contributing properties shall be known as noncontributing properties. The Inventory Map may be amended from time to time in the same manner as the zoning map.

#### **3-5.3.3.3 Establishment of and Amendments to Historic District Boundaries and Regulations.**

~~Amendments to the Historic District Boundaries and Regulations may be proposed by the Architectural Review Board or by any citizen or landowner in the Town. Such amendments may include the establishment of historic districts and revision to existing~~

~~historic districts, and shall be proposed to the Planning Commission and the Town Council. Upon receipt of said proposal, the Town Council shall initiate such amendment pursuant to the Zoning Ordinance.~~

Historic District boundaries, regulations and amendments thereto may be initiated (i) by resolution of the Town Council, (ii) by motion of the Planning Commission, or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed Inventory Map amendment, addressed to the governing body or the local planning commission, in accord with Section 11-3.10 of this Ordinance. Any such resolution or motion by the Town Council or Planning Commission proposing the rezoning shall state the public purposes therefor.

The ARB shall prepare and submit a report with an evaluation of the proposed amendment. Such report should establish and define the historic district boundaries as defined upon an appropriate overlay map, as well as the historic and/or architectural significance of the buildings, structures, or sites to be protected; report on any special characteristics, qualities and/or fabric to be preserved; and describe current planning, present trends, conditions, and desirable public objectives for preservation.

#### **3-5.3.3.4. Criteria.**

Criteria for evaluating the merits of a given structure or space shall be based on architectural features as well as historic factors. Certain buildings or areas, although not associated with a historic personage or event, may be valuable examples of the Town's physical and cultural heritage. Structures of local significance shall be evaluated as well as those of State and National significance, and any structures individually listed upon the National Register of Historic Places or the Virginia Landmarks Register shall be designated upon the Town Register. In addition, such evaluation shall be based on the following matters, as well as the Town's Historic District Design Guidelines.

##### **1. Architectural and Landscape Style**

The evaluation shall respect the qualities of each architectural and landscape style and shall judge a structure's merit on how well it exemplifies the distinguishing characteristics of said style. Consideration will be given to:

1. Significance of architectural design.
2. Scale and/or interrelationships of structures and/or environmental features.
3. Significant patterns of development.
4. Quality of Workmanship.

5. Amount of surviving original fabric.
  6. Original location and/or use.
  7. Remaining outbuildings or dependencies.
  8. Surrounding environment, including gardens, landscaping, and walks.
  9. Aesthetic quality.
  10. Original integrity of the structure and its details.
2. Historical and/or Cultural Significance

Structures or spaces relating to one or more of the following criteria will be considered historically or culturally valuable:

1. Association with historic personage.
2. Association with historic event.
3. Work of leading architect or master craftsman.
4. Site or structure of cultural significance.

In addition, sole or infrequent surviving building types and structures not historic in themselves but adding to the character of a historic district need to be looked at as potentially deserving preservation. The location of such resources within the Historic District and the resource's relative importance to the District as a whole, shall be considered.

**3-5.3.3.5.** Additional Required Information. In addition to historical and architectural information, the aforementioned report of the ARB required by paragraph 3-5.3.3.2 for amendments to the Ordinance shall include:

1. A description of existing structures, premises, and uses likely to have an adverse effect on the desired character of the district, including those near and visually related to the district, with maps, photographs, and other data indicating the reasons for such an effect.
2. An analysis of lands not occupied by structures, including lands near and visually related to the district. For public lands, ownership, use, and location shall be indicated. For private lands, assessed valuation shall be added as well as existing zoning and planned land use.
3. Recommendations concerning detailed regulations to be applied within the district, to supplement or modify general regulations set forth herein, which may include principal and accessory uses and structures, minimum lot and yard requirements, maximum lot coverage by all buildings, maximum height of structures, off-street parking and loading requirements, control of signs and

exterior illumination, and control of integral facade changes to existing buildings where said controls and regulations are only for the express purpose of preventing changes which are architecturally incompatible with the buildings, structures, or sites to be preserved.

**3-5.3.3.6.** Action by the Town Council. The creation of a historic district by the Town Council shall include a declaration that the landmarks, buildings, structures, or sites to be preserved are in fact of historical and/or architectural significance requiring protection against destruction or encroachment; that the designation of individual structures and premises is in substantial public interest; and that such recommendations as approved by the Town Council supplementing or modifying general regulations are to be applied to the district created.

#### **3-5.3.4 District Regulations**

Within the Historic District the following regulations shall apply:

**3-5.3.4.1.** Certain Minor Actions Exempted From Review By The Architectural Review Board. Certain minor actions which are deemed not to have permanent effects upon the character of the historic district are exempted from review for architectural compatibility by the Architectural Review Board. Such actions shall include the following and any similar actions which in the written opinion of the Zoning Administrator will have no more effect on the character of the district than those listed:

1. Repainting resulting in the same or in a different color. (Original painting of masonry surfaces is not exempted from review.)
2. Replacement of missing or broken window panes, roofing slates, tiles, or shingles and except on landmark structures outside doors, window frames, or shutters where no substantial change in design or material is proposed.
3. Addition or deletion of storm doors or storm windows and window gardens, or similar appurtenances.
4. Addition or deletion of television and radio antennas, or skylights and solar collectors in locations not visible from a public street.
5. Landscaping involving planting of grass, trees or shrubs, minor grading, walks, low retaining walls, temporary fencing, small

fountains, ponds, and the like which will not substantially affect the character of the property and its surroundings.

6. Minor additions or deletions to the structure or accessory structures which will not substantially change the architectural character of the structure or which are generally hidden from public view.
7. Construction of accessory buildings and structures on properties which are not designated as landmark or contributing properties and which are generally in keeping with the character of the existing structure and its surroundings.
8. Construction of off-street loading areas and off-street parking areas containing five (5) spaces or less in a commercial or Central Business District.
9. Creation of outside storage in a commercial or Central Business District which does not require structural changes or major grading.
10. Routine utility repairs and minor improvements which will not be clearly visible from the public right-of-way.
11. Any changes within a structure which are not visible from a public street.

Provided however that the Zoning Administrator shall have authority to order that work be stopped and that an appropriate application be filed for review by the Architectural Review Board in any case where in his opinion the action may have an adverse effect on the Historic District or may produce arresting and spectacular effects, violent contrasts of materials or colors and intense and lurid colors or patterns, or details clearly inconsistent with the character of the present structures or with the prevailing character of the surroundings and the historic district.

**3-5.3.4.2. Certificate of Appropriateness Required for New Construction, Reconstruction, and Substantial Exterior Alteration.**

Except as herein provided no building or structure, including signs, shall be refaced, erected, reconstructed, restored, or substantially altered in exterior appearance within a historic district and no permit authorizing same shall be granted unless and until the same is approved by the Architectural Review Board and a Certificate of Appropriateness has been issued by that

body, with right of direct appeal to the Town Council as hereinafter provided, as being architecturally compatible with the historical, cultural, and/or architectural aspects of the structure and its surroundings.

"Substantial alterations" shall be defined as any and all work done on buildings, structures, or sites in a historic district other than those specifically exempted herein and other than the general examples of "nonsubstantial" alterations cited herein. Examples of work constituting "substantial alterations" include:

1. Construction of a new building at any location or a new accessory building on a landmark or contributing property or on a site within the Historic District adjacent to a designated landmark site.
2. Any addition to or alteration of a structure which increases the square footage of the structure or otherwise alters substantially its size, height, contour, or outline.
3. Any change or alteration of the exterior architectural style of a contributing or landmark structure, including removal or rebuilding of porches, openings, dormers, window sash, chimneys, columns, structural elements, stairways, terraces, and the like.
4. Addition or removal of one (1) or more stories or alteration of a roof line.
5. Landscaping which involves major changes of grade or walls and fences more than three-and-one-half (3.5) feet in height.
6. All signs on all structures shall be reviewed. Canopies or awnings with the business name or logo upon it are considered signs and shall be reviewed.
7. Any other major actions not specifically covered by the terms of this section but which would have a substantial effect on the character of the historic district.
8. Erection of awnings, canopies, and similar appurtenances shall be reviewed.
9. Placement of window air conditioners on the front of commercial buildings only shall be reviewed. Central air conditioning units on

residential and commercial buildings shall be reviewed. Placement of exhaust fans shall be reviewed.

In any case in which there might be some question as to whether a project may be exempted from review, may constitute a minor action, or may constitute "substantial alteration," the Zoning Administrator shall be contacted for a written determination prior to commencement of work.

“Unsubstantial Alterations” shall include:

1. Work done to prevent deterioration or to replace parts of a structure with similar materials in order to correct any deterioration, decay of, or damage to any structure or on any part thereof, or
2. To restore same as nearly as practical to its condition prior to such deterioration, decay, or damage.
3. Those minor actions exempted from review by Section 3-5.3.4.1.

**3-5.3.4.3.** Matters to be Considered in Reviewing the Appropriateness of the Construction, Reconstruction, or Exterior Alteration of Buildings or Structures by the Board. The Architectural Review Board shall consider only those elements that support the purpose of preventing construction, reconstruction, exterior alteration, repair, or restoration that is not compatible with the old and historic aspect of the surroundings. The Architectural Review Board shall consider the following in reviewing the appropriateness of architectural features:

1. Exterior architectural features including all signs except for those exempted in Section 3-5.3.4.1
2. General design, scale, and arrangement.
3. Texture and material, of new construction.
4. The relation of features 1, 2, and 3 above, to similar features of buildings and structures in the immediate surroundings.
5. The extent to which the building or structure would be harmonious with or incompatible with the old and historic aspects of the surroundings. It is not the intent of this consideration to discourage contemporary architectural expression or to encourage the emulation

of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility should be evaluated in terms of the appropriateness of materials, scale, size, height, and placement of a new building or structure in relationship to existing buildings and structures and to the setting thereof, in accord with the Town's Historic District Design Guidelines.

**3-5.3.4.4.** Matters Not to be Considered in Reviewing the Appropriateness of the Construction, Reconstruction, or Exterior Alteration of Buildings or Structures by the Board.

The Architectural Review Board shall not consider the following in reviewing the appropriateness of architectural features:

1. Interior arrangements of rooms, spaces, materials and structural elements, which are reviewed by the building official for compliance with the building code
2. Base Zoning Regulations, such as use, lot size, height, setback, parking requirements, density and landscaping, which are reviewed by the Zoning Administrator for compliance with the Zoning Ordinance.

**3-5.3.4.5.** Demolition. No building or structure officially designated as a landmark or a contributing building or structure within the historic district on the Inventory Map which accompanies this Ordinance shall be demolished until a Certificate of Appropriateness is issued by the Architectural Review Board, with right of direct appeal from an adverse decision to the Town Council, as hereinafter provided. ~~The Zoning Administrator~~ Town Council may approve the demolition of a building or structure within the historic district which has not been designated either as a landmark or contributing structure on said inventory map.

**3-5.3.4.6.** Moving or Relocation. No building or structure officially designated as a landmark or contributing building or structure within the district on the inventory map which accompanies this Ordinance shall be moved or relocated unless the same is approved by the Architectural Review Board and a Certificate of Appropriateness issued with right of direct appeal of an adverse decision to the Town Council as herein provided. An appeal for final decision by the Town Council shall be automatic and mandatory in the case of approval of the moving or relocation of a building or structure so designated as a landmark. The Zoning Administrator may approve the moving or relocation of the building or



structure within the historic district which has not been designated either as a landmark or contributing structure on said inventory map.

**3-5.3.4.7.** Matters to be Considered in Determining the Appropriateness of Moving or Relocating a Landmark Building or Structure within a Historic District.

1. Whether or not the proposed relocation would have a detrimental effect on the structural soundness of the landmark building or structure.
2. Whether or not the proposed relocation would have a detrimental effect on the historical aspects of other landmarks in the districts.
3. Whether the proposed relocation would provide new surroundings that would be harmonious with or incompatible with the historical and architectural aspects of the landmark, building, or contributing structure.
4. Whether or not the proposed relocation is the only feasible means of saving the structure from demolition or demolition by neglect.

**3-5.3.4.8.** Matters to be Considered in Determining Whether or Not to Grant a Certificate of Appropriateness for Razing or Demolition. The Architectural Review Board shall consider the following criteria in determining whether or not to grant a certificate of appropriateness for razing or demolition:

1. Whether or not the building or structure is of such architectural or historic interest that its removal would be to the detriment of the public interest.
2. Whether or not the building or structure is of such interest or significance that it would qualify as a National, State, or local historic landmark.
3. Whether or not the building is of such old and unusual or uncommon design, texture, and/or material that it could be reproduced only with great difficulty and/or expense.
4. Whether or not retention of the building or structure would help to preserve and protect a historic place or area of historic interest in the Town.

**3-5.3.4.9.** Offer for Sale. However, the owner of a historic landmark, as a matter of right shall be entitled to raze or demolish such landmark provided that:

1. He has applied to the Architectural Review Board for such right.
2. The owner has for the period of time set forth in the time schedule hereinafter contained at a price reasonably related to its fair market value as determined by independent appraisal, as hereinafter set forth, made a bona fide offer to sell such landmark, and the land pertaining thereto, to such person, firm, corporation, government, or agency, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, and the land pertaining thereto. A bona fide offer shall include mean actions equivalent to a formal offer in writing and publicly advertised, from the seller to the public, specifying the price and terms of sale. The procedure for establishing the fair market value, unless the owner and the Architectural Review Board agree upon the said value, shall be that the owner and Architectural Review Board shall each retain one independent, qualified appraiser, and should the two appraisers not agree upon the said fair market value, those appraisers shall choose a third qualified appraiser. A median value shall be established by the three appraisers which shall be final and binding upon the owner and the Architectural Review Board.
3. No contract for the sale of any such historic landmark, and the land pertaining thereto, shall be binding or enforceable prior to the expiration of the applicable time period as set forth in the time schedule hereinafter contained. Any appeal which may be taken to the Town Council from the decision of the Architectural Review Board, and from the Town Council to the Circuit Court of Fauquier County, shall not affect the right of the owner to make bona fide offer to sell. Offers to sell as provided in this section shall be made within one (1) year of the date of application to the Architectural Review Board.
4. Notice. Before making a bona fide offer to sell, an owner shall first file a written statement with the Chairman of the Architectural Review Board. Such statement shall identify the property, state the offering price, the date the offer of sale is to begin, and name of the real estate agent, if any. No time period set forth in the time schedule hereinafter set forth shall begin to run until such statement has been filed.

The time schedule for offers to sell shall be as follows:

1. Three (3) months when the offering price is less than twenty-five thousand dollars (\$25,000);
2. Four (4) months when the offering price is twenty-five thousand dollars (\$25,000) or more but less than forty thousand dollars (\$40,000);
3. Five (5) months when the offering price is forty thousand dollars (\$40,000) or more but less than fifty-five thousand dollars (\$55,000);
4. Six (6) months when the offering price is fifty-five thousand dollars (\$55,000) or more but less than seventy-five thousand dollars (\$75,000);
5. Seven (7) months when the offering price is seventy-five thousand dollars (\$75,000) or more but less than ninety thousand dollars (\$90,000);
6. Twelve (12) months when the offering price is ninety thousand dollars (\$90,000) or more.

**3-5.3.4.10.** Hazardous Buildings or Structures. Nothing in this Article shall prevent the razing or demolition of any building or structure without consideration of the Architectural Review Board which is in such an unsafe condition that it would endanger life or property, and protection from such condition is provided for in the Building Code and/or other applicable Town ordinances. However, such razing or demolition shall not be commenced without written approval of the Zoning Administrator verifying the conditions necessitating such action.

**3-5.3.4.11.** Demolition by Neglect. No officially designated historic landmark, building, or structure within any historic district shall be allowed to deteriorate due to neglect by the owner which would result in violation of this section. "Demolition by neglect" shall include any one (1) or more of the following courses of action or inaction:

1. Deterioration of the exterior of a building to the extent that it creates or permits a hazardous or unsafe condition.

2. Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, and exterior wall elements such as siding, wooden walls, brick, plaster, or mortar, to the extent that it adversely affects the character of the historic district or could reasonably lead to irreversible damage to the structure.
3. Action by any Town or State authority relative to the safety or physical condition of any building.
4. The deterioration of exterior chimneys
5. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows and doors
6. The peeling of paint, rotting, holes or other forms of decay
7. The lack of maintenance of the surrounding environment including fences, gates, sidewalks, steps, signs, accessory structures and landscaping
8. The deterioration of any feature that so as to create or permit the creation of any hazardous or unsafe conditions.

In the event that the Zoning Administrator determines that a structure in a historic district is being "demolished by neglect", he shall so notify the owner and the Chairman of the Architectural Review Board of this conclusion, stating the reasons therefore, and shall give the owner thirty (30) days from the date of the notice in which to commence work rectifying the specifics provided in the notice, or to initiate proceedings as provided in Section 3-5.3.4.2 or 3-5.3.4.9 above. If appropriate action is not taken in this time, the Zoning Administrator will initiate appropriate legal action as provided herein.

- 3-5.3.4.12.** Signs, Exterior Illumination. Within the Historic District only those signs permitted in the underlying, base Zoning District shall be permitted. However, no sign otherwise permitted by the Zoning Ordinance shall be permitted if the Architectural Review Board finds such sign or exterior illumination to be architecturally incompatible with the historical and/or architectural character of the landmark or district as set forth in the adopted Historic District Guidelines.
- 3-5.3.4.13.** Exceptions. Where the strict interpretation of this article contradicts existing building, sanitary, or other codes, the Architectural Review Board

shall make recommendations for reasonable relief after consultation with qualified technical authorities or with any appeal board now or hereafter established by code. In other cases of conflict between this and other regulations, the stricter between the two shall apply.

### **3-5.3.5 Administration**

#### **3-5.3.5.1. Zoning Administrator.**

Except as authorized herein the Zoning Administrator shall not authorize a permit for any erection, reconstruction, addition, integral exterior facade change, demolition, or razing of a building or structure, or for a sign in the Historic District until the same has been approved by the Architectural Review Board as set forth in the following ~~procedures~~ provisions.

#### **3-5.3.5.2. Receipt of Application.**

Upon receipt of an application by the Planning Director for each permit in the historic district, the Planning Director shall:

1. Forthwith forward to the Architectural Review Board a copy of the application, together with a copy of the site plan and the building plans and specifications filed by the applicant;
2. Maintain in his office a record of all such applications and of his handling and final disposition of the same; and
3. Require applicants to submit seven (7) copies of material required to permit compliance with the foregoing.

#### **3-5.3.5.3 Material to be Submitted for Review.**

By general rule, or by specific request in a particular case, the Architectural Review Board may require submission of any or all of the following in connection with the application: architectural plans, site plans, landscaping plans, construction methods, proposed signs with appropriate detail as to character, proposed exterior lighting arrangements, elevations of all portions of structure with important relationships to public view (with indications as to visual construction materials, design of doors and windows, colors, and relationships to adjoining structures), and such other exhibits and reports as are necessary for its determinations. Requests for approval of activities proposed in historic districts shall be accepted only from the record owner of the land involved in such proposal, or his agent.

For minor actions not required to be reviewed by the Architectural Review Board and which may be approved by the Zoning Administrator, an application shall be submitted on a form provided by the Town to determine if the proposed action is exempt from review by

the Architectural Review Board. Should the proposed action not be capable of adequate description on the application form, the Zoning Administrator may require additional information, including photographs, sketches, and samples of materials or such other information as may be required for a decision.

**3-5.3.5.4** Other Approvals Required.

In any case in which an applicant's proposal also requires the approval of the Board of Zoning Appeals, final action by the Board of Zoning Appeals shall precede final action by the Architectural Review Board. The Board of Zoning Appeals may, however, table a proposal in order to request the comments of the Architectural Review Board. Final action by the Architectural Review Board shall be taken prior to consideration of proposals requiring site plan approval.-

**3-5.3.5.5** Action by the Architectural Review Board, Issuance of Certificates of Appropriateness.

The Architectural Review Board shall render a decision upon any request or application for a Certificate of Appropriateness within sixty (60) days after the filing of such application; failure of the Architectural Review Board to render such a decision within said sixty (60) day period, unless such period be extended with the concurrence of the applicant, shall entitle the applicant to proceed as if the Architectural Review Board had granted the Certificate of Appropriateness applied for. Prior to denying the Certificate of Appropriateness, the Architectural Review Board, on the basis of the review of information received, shall, upon request, indicate to the applicant the changes in plans and specifications, if any, which in the opinion of the Board would protect and/or preserve the historical aspects of the landmark, building, structure, or district. If the applicant determines that he will make the suggested changes and does so in writing, the Architectural Review Board may issue the Certificate of Appropriateness.

**3-5.3.5.6** Expiration of Certificates of Appropriateness and Permits to Raze.

Any Certificate of Appropriateness issued pursuant to this article and any permit to raze a building issued pursuant to this article shall expire of its own limitation twelve (12) months from the date of issuance if the work authorized thereby is not commenced by the end of such twelve-month period; and further, any such certificate and permit shall also expire and become null and void if such authorized work is suspended or abandoned

for a period of twelve (12) months after being commenced. Any period or periods of time during which the right to use any such certificate or permit is stayed pursuant to this article shall be excluded from the computation of the twelve (12) months.

**3-5.3.5.7 Appeals of Architectural Review Board Decisions to Town Council.**

Applicants may appeal a decision by the ARB to the Town Council, in accord with the procedures set forth in Article 11 of this Ordinance and §15.2-2306 (A) (3) of the Code of Virginia.

**3-5.3.5.8 Appeals of Town Council Decisions to the Circuit Court.**

Applicants may appeal a decision by the Town Council to the Circuit Court, in accord with the procedures set forth in Article 11 of this Ordinance and §15.2-2306 (A) (3) of the Code of Virginia. Such appeals shall set forth the alleged illegality of the action of the Town Council and shall be filed within thirty days of the final decision rendered by the Town Council.

**3-5.3.6 Violations and Penalties**

Any violation of this Article and the penalties for all such violations shall be as set forth in the Zoning Ordinance, in accord with Article 11 of this Ordinance and §15.2-2306 (A) (3) of the Code of Virginia.

**3-5.4 HCD Historic Corridor District** *[new district]*

*[Note: In summary, the existing Historic District is aimed at protecting the historic sites and buildings within the historic downtown area; the proposed Historic Corridor District is aimed at protecting the historic sites and buildings along the traditional, historic entrance corridors that lead to the downtown]*

**3-5.4.1 Legislative Intent**

The purposes of these historic district corridor overlay regulations are to:

1. Implement the Town’s Comprehensive Plan
2. Achieve the purposes of zoning, as set forth in the Code of Virginia as amended, §§15.2-2280 through -2285, as amended
3. Achieve the purposes of § 15.2-2306, for the preservation of historical sites and architectural areas
4. Protect the vital corridors which form the traditional gateway entrances to the Town’s historic downtown area
5. To preserve and stabilize property values in and around the historic downtown area
6. Protect and enhance the Town’s attraction to tourists and visitors
7. Maintain the harmonious, historic and traditional quality and character of buildings, structures, streetscapes and roadways leading to the downtown area

**3-5.4.2 Applicability**

- 1 The District is Mapped as an Overlay District

The HCD (Historic Corridor District) is hereby established as an overlay, as shown on the Town’s Official Zoning Map, under the authority of §§15.2-2280 through -2285, and -2306 of the Code of Virginia, as amended. Unless specifically provided herein, all regulations of the applicable underlying base zoning district shall apply to each parcel within the overlay district.

- 2 Regulations Apply to all Lots, Parcels and Structures

The regulations of this district shall apply to all lots, parcels and structures within the boundaries of this district, as shown on the official zoning map, regardless of the type of structure or use.



### 3 Parts of Structures

If any part of a structure to be erected, added to, altered or restored is located on a lot or parcel within these boundaries, the entire structure shall be governed by the provisions of this section.-

#### **3-5.4.3 Exemptions**

The provisions of this section shall not apply to routine maintenance of structures, buildings or signs, but shall apply to reconstruction, alteration or restoration.

#### **3-5.4.4 Certificate of Approval Required; Administrative Procedures**

Unless otherwise exempted, no structure, building or sign shall be erected, reconstructed, altered, demolished or restored on property subject to the provisions of this district until plans for such shall have been approved by the Architectural Review Board (ARB) in accord with the procedures set forth in Section 3-5.3 of this Ordinance. All administrative procedures, including appeals, shall be as set forth in Article 11 of this Ordinance.

#### **3-5.4.5 Demolition and Relocation**

No building or structure shall be demolished or relocated unless and until its owner has applied for and received approval from the ARB in accord with the procedures set forth in Section 3-5.3 of this Ordinance.

#### **3-5.4.6 Design Criteria**

The criteria used by the Architectural Review Board (ARB) in determining whether an application merits approval under this section shall include those in the Town's adopted Historic District Guidelines, and those criteria that are set forth specifically for the HCD. The Town's adopted Historic District Guidelines is made part of these regulations by reference. No specific architectural style, such as Federal, Georgian, Greek Revival or other, is intended to be imposed in the administration of this section.

*[Note: the following language will be moved from the main text of the Zoning Ordinance and added to the Town's Historic District Guidelines]*

In addition to those in the adopted Historic District Guidelines, the following design criteria shall be used by the ARB in evaluating applications within the Historic Corridor District (HCD, Section 3-5.4 of the Zoning Ordinance):

### **1. Placement of Structures**

- 1.1 The placement of all new structures, and renovations or additions to existing structures shall be consistent and compatible with the established placement pattern of adjacent buildings in relation to sidewalks, street pavements and property lines.
- 1.2 Building setbacks for side, rear and front yards shall be similar and compatible with those of adjacent properties.

### **2. Massing and Configuration of Structures**

- 2.1 Residential garages shall be located so that their doors are not a part of the front building façade. This shall be achieved by recessing the garage from the front building line of the primary structure by at least 15 feet, by orienting the garage door to face to the side, by locating the garage to the rear of the primary structure, or by an equivalent means as may be found to be compatible with the purposes of the district by the ARB.
- 2.2 Non-residential garages, loading areas, refuse receptacles, storage sheds and other non-habitable accessory structures shall be located to the rear of the primary structure or to the side least visible from the street and neighboring properties.
- 2.3 The scale of new buildings shall be compatible with the scale of adjacent buildings. New and enlarged buildings shall present a front façade no larger area than 1.33 times the average of the facades of the principal buildings on either side. The facades of buildings larger in total building square footage or façade area than the average of adjacent buildings, shall be visually divided into distinct parts so as to create a sense of human scale as defined in this Ordinance, reducing the apparent size and bulk of the structure by creating an appearance of multiple parts.
- 2.4 Sheathing materials shall include not more than one material for each roof and not more than two different materials for each façade.

**3. Access and Relationship to Public Streets and Adjacent Properties**

- 3.1. On sites where an alley can be used or provided for access from a public street to the rear of the site, motor vehicle driveway access shall be provided via an alley.
- 3.2. In the case of contiguous non-residential uses and non-residentially zoned lots, access shall be provided to connect adjacent properties and access to the public street shall be coordinated and shared so as to limit the number of driveways onto the public street.
- 3.3. Access drives to the public street shall have the minimum width and turning radii needed to provide safe motor vehicle passage. Conventional engineering standards for pavement width and turning radii may be modified, if in the determination of the ARB, such standards would compromise the purposes of this district.
- 3.4. For all non-residentially zoned properties and non-residential uses, on-site circulation shall be designed so as to provide safe and convenient interparcel access to contiguous properties for both motor vehicles and pedestrians, and shall ensure that convenient, safe and comfortable pedestrian access is provided.

**4. Parking**

- 4.1 Parking shall be located to side and/or rear of the principal structure or structures on each lot.
- 4.2 Parking areas shall be divided into separate groups of spaces, rather than combined into large expanses of pavement.

**5. Landscaping, Green Space and Screening**

- 5.1 Parking and loading areas, storage areas, refuse collection areas and other such elements shall be screened from view by existing and/or planted vegetation or a wall or fence. The style, materials, and design of walls and fences shall be compatible with the historic or traditional character of the district.

- 5.2 Parking areas with more than one travel lane shall provide internal landscaped islands with an average of at least one canopy tree planted for each eight (8) parking spaces.

## **6. Streetscape**

- 6.1 Street trees shall be planted in a landscape strip at least ten (10) feet wide along all primary and collector roads. Such street trees shall be large canopy trees planted forty (40) feet on center, with variations in the distance between trees being permitted to accommodate driveways and other obstructions.
- 6.2 Only high canopy trees shall be used as street trees in order to allow pedestrian passage, ease of maintenance and visual access to the property.
- 6.3 Sidewalks shall be provided along the lot frontage in accord with the requirements of the underlying zoning district and other Town regulations. Sidewalks may be located in the street tree landscape strip.
- 6.4 Commercial uses shall have storefront facades no greater than 20 feet from the front lot line, unless neighboring historic commercial buildings have setbacks greater than 20 feet, in which case the setback may match those of the neighboring buildings.
- 6.5 All lighting shall use full cut-off fixtures.
- 6.6 Sidewalk/street lighting shall be on poles no higher than 16 feet. *[confirm or re-evaluate in relation to current specs of public facilities manual]*

## **7. Architecture**

- 7.1 Buildings shall front the street. A prominent doorway to the street and sidewalk shall be provided. The façade facing the street (front façade) shall contain windows and style elements (shutters, window hoods, window boxes, cornices, columns, entablature, sculpture, projecting bays, balconies, or awnings, etc.) that add visual interest and character.
- 7.2 Main entrances to buildings shall be on the front of the building. Subordinate, service and emergency entrances shall orient to the rear or side of the building.

- 7.3 Service bays shall face away from the main public roadway and towards a rear parking or storage area.
- 7.4 Roof forms shall be compatible with the traditional forms in the Town, including hip, gable and shed roofs, or roof forms that reflect the visual elements of those structural forms. The size of roofs shall be compatible with those of adjacent buildings.
- 7.5 Mechanical/electrical equipment shall be mounted and designed to appear integral to the building and shall be screened from view in all directions.
- 7.6 Side and rear elevations shall have similar design elements and materials as the front façade, though the number of windows and the level or ornamentation may be less than that provided on the front facade
- 7.7 Residential conversions to commercial uses shall respect and maintain the original massing, style and design features of the original architecture.
- 7.8 New buildings shall be constructed so that they are flexible enough in their architectural design to accommodate different uses and owners.
- 7.9 No structure shall be constructed so as to constitute a trademark, logo, brand or commercial sign by its architectural form, materials, color, lighting, style or other design elements.

**3-5.5 RID Residential Infill District (RID) *[new district]*****3-5.5.1 Legislative Intent**

The purposes of the Residential Infill District (RID) and regulations are to:

1. implement the Town’s Comprehensive Plan
2. achieve the purposes of zoning, as set forth in the Code of Virginia, §15.2-2283, as amended
3. to preserve and stabilize property values in the residential neighborhoods in and around the historic downtown area; and
4. ensure a harmonious development pattern as residential properties are expanded and rehabilitated in designated neighborhoods.

**3-5.5.2 Applicability**

- 1 District is Mapped as an Overlay District

The RID is hereby established as an overlay, as shown on the Town’s Official Zoning Map. All regulations of the applicable underlying base zoning districts shall apply to each parcel within the overlay district.

- 2 Regulations Apply to all Lots, Parcels and Structures

The regulations of this district shall apply to all lots, parcels and structures within the boundaries of this district, as shown on the official zoning map.

- 3 Parts of Structures

If any part of a structure to be erected, altered or restored is located on a lot or parcel within the boundaries of this district, the entire structure shall be governed by the provisions of this section.

**3-5.5.3 Use Regulations**

Regulations on the use of property within the district shall be the same as required by the applicable underlying base zoning district.

**3-5.5.4 Lot and Yard Regulations**

Lot Coverage and Setback Requirements are as follows:

Maximum Lot Coverage (impervious surfaces)	Minimum Front Setback	Maximum Front Setback	Minimum Side Setback	Rear Setback
None	fifteen (15) ft. or the average setback of the existing principal structures on contiguous lots fronting the same street	None	3 ft. on one side if other side is at least 12 ft.	fifteen (15) average; 8 ft. minimum; fifteen (15). for rear-loaded garages or carports.

Minimum Lot Size and Lot Frontage requirements shall be the same as required by the applicable underlying base zoning district.

**3-5.5.5 Building Regulations**

Regulations on buildings shall be the same as required by the applicable underlying base zoning district.

**3-5.5.6 Exemptions**

The provisions of this section shall not apply to routine maintenance of structures, buildings or signs, but shall apply to reconstruction, alteration or restoration.